

S. C., for the repeal of the tax on medicines, perfumery, and cosmetics—to the Committee on Ways and Means.

By Mr. OTJEN: Petition of Branch 242, National Association of Letter Carriers, of Ashland, Wis., in favor of increasing salaries of mail carriers of second-class post-offices—to the Committee on the Post-Office and Post-Roads.

By Mr. POWERS: Petition of druggists of Winooski, Vt., for the repeal of the stamp tax on proprietary medicines—to the Committee on Ways and Means.

By Mr. RIXEY: Paper to accompany House bill No. 10436, for the relief of John H. Haws—to the Committee on War Claims.

By Mr. SHAFROTH: Petition of citizens of Fort Lupton, Colo., to prohibit the selling of liquors in any post exchange, transport, or premises used for military purposes—to the Committee on Military Affairs.

Also, resolutions adopted at a mass meeting at City Hall, Waterbury, Conn., urging the Government to use its friendly offices to bring about a cessation of hostilities between Great Britain and the South African Republics—to the Committee on Foreign Affairs.

By Mr. SHERMAN: Papers to accompany House bill granting an increase of pension to Maggie D. Russ—to the Committee on Pensions.

Also, petition of citizens of Prospect and Trenton, N. Y., in favor of the Grout bill increasing the tax on oleomargarine—to the Committee on Agriculture.

By Mr. SOUTHARD: Resolutions of the Toledo Produce Exchange, in relation to a reduction of taxation—to the Committee on Ways and Means.

By Mr. STEVENS of Minnesota: Resolutions of the St. Paul (Minn.) Chamber of Commerce, for restrictive quarantine regulations—to the Committee on Interstate and Foreign Commerce.

Also, resolution of Ramsey County Nurses' Graduate Association, of St. Paul, Minn., and petition of leading physicians of St. Paul, favoring the passage of House bill No. 6879, providing for the employment of women nurses in the military hospitals of the Army—to the Committee on Military Affairs.

Also, resolution of St. Paul Chamber of Commerce, in behalf of legislation for the Philippine Islands—to the Committee on Ways and Means.

By Mr. THROPP: Petition of Grange No. 1116, of Cambria, Pa., Patrons of Husbandry, in favor of Senate bill No. 1439, relating to an act to regulate commerce—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Christian Endeavor Society of the Methodist Episcopal Church of Altoona, Pa., asking for the passage of the anti-canteen bill and prohibiting the sale of liquors on premises used for military purposes—to the Committee on Military Affairs.

Also, petition of Cambria Grange, No. 1116, Patrons of Husbandry, of Pennsylvania, favoring the passage of House bill No. 3717, relating to State control of imitation dairy products—to the Committee on Agriculture.

Also, petition of citizens of Blair County, Pa., urging the enactment of a law forbidding the sale of intoxicating liquors in the Hawaiian Islands—to the Committee on the Territories.

Also, paper to accompany House bill to remove the charge of desertion from the record of Thomas J. Switzler—to the Committee on Military Affairs.

Also, paper to accompany House bill to remove the charge of desertion from the record of Levi R. Shadle—to the Committee on Military Affairs.

Also, papers to accompany House bill granting a pension to John A. Jones—to the Committee on Invalid Pensions.

Also, paper to accompany House bill to remove the charge of desertion from the record of Martin L. Cupples—to the Committee on Military Affairs.

Also, paper to accompany House bill granting a pension to Patrick Kinney—to the Committee on Pensions.

Also, paper to accompany House bill to increase the pension of John Shroyer—to the Committee on Invalid Pensions.

Also, paper to accompany House bill for the relief of Elizabeth Diehl—to the Committee on Invalid Pensions.

Also, evidence to accompany House bill granting a pension to David C. Yingling—to the Committee on Invalid Pensions.

By Mr. WRIGHT: Petition of Richmond Hill (Pa.) Creamery Company, in favor of the passage of House bill No. 3717, amending the oleomargarine law—to the Committee on Agriculture.

Also, petition of the Woman's Christian Temperance Union of Falls, Pa., for the passage of a bill to forbid liquor selling in canteens and in the Army, Navy, post exchanges, etc.—to the Committee on Military Affairs.

By Mr. YOUNG: Petition of Fort Logan Improvement Club, Fort Logan, Colo., favoring the establishment of a Soldiers and Sailors' Home at or near Denver, Colo.—to the Committee on Military Affairs.

Also, resolutions of the Maritime Association of the Port of New York, in favor of Senate amendments to House bill No. 8347, restoring the appropriations for the maintenance of the Hydrographic Office—to the Committee on Naval Affairs.

Also, letter of Bement, Miles & Co., Philadelphia, Pa., in relation to Senate bill No. 4300 and the proposed amendment relating to the Ordnance Department—to the Committee on Military Affairs.

Also, letter of the Philadelphia Commercial Museum and Weekly Bulletin, relating to industries of foreign countries—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Sea Gull Specialty Company, Baltimore, Md., relating to alum baking powders, etc.—to the Committee on Interstate and Foreign Commerce.

By Mr. ZENOR: Petitions of J. H. Connor, of New Albany; Homes & Perry and others, of Jeffersonville; John Enlow and others, of Birdseye; J. P. Isterling, of Corydon Junction; J. B. Blessing and others, of English, Ind., for the repeal of the tax on medicines, perfumery, and cosmetics—to the Committee on Ways and Means.

SENATE.

TUESDAY, May 22, 1900.

Prayer by Rev. OLIVER JOHNSON, of Leslie, S. C.

NAMING A PRESIDING OFFICER.

Mr. PLATT of Connecticut called the Senate to order; and the Secretary read the following letter:

PRESIDENT PRO TEMPORE, UNITED STATES SENATE.
May 21, 1900.

To the Senate:

I name Hon. O. H. PLATT, Senator from Connecticut, to perform the duties of the Chair during my absence.

WM. P. FRYE, *President pro tempore*.

Thereupon Mr. PLATT of Connecticut took the chair as Presiding Officer.

THE JOURNAL.

The PRESIDING OFFICER. The Secretary will read the Journal of the proceedings of yesterday.

The Secretary proceeded to read the Journal of the proceedings of yesterday, when, on request of Mr. GALLINGER, and by unanimous consent, the further reading was dispensed with.

The PRESIDING OFFICER. The Journal, without objection, will stand approved.

TRANSPORTATION OF REINDEER.

The PRESIDING OFFICER laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Secretary of the Interior, submitting an estimate of appropriation of \$1,718.88, in settlement, by compromise, of a suit entered against the United States by T. F. Townsley on a contract entered into by Dr. Sheldon Jackson, general agent of education in Alaska, for the carrying of reindeer between certain Siberian and Alaskan ports; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, returned to the Senate, in compliance with its request, the bill (S. 1006) granting an increase of pension to Margaret M. Badger.

The message also announced that the bill (H. R. 2955) providing for the resurvey of township No. 8, of range No. 30 west of the sixth principal meridian, in Frontier County, State of Nebraska, of which the Senate requested the return by resolution of May 19, and transmitted to the House by message on that day, is no longer in possession of the House, as prior to the receipt of the message of the Senate it had been transmitted to the Senate as an enrolled bill duly signed by the Speaker.

The message further announced that the House had passed the following bills:

A bill (S. 124) regulating permits for private conduits in the District of Columbia; and

A bill (S. 4048) to amend an act regulating the inspection of flour in the District of Columbia, approved December 21, 1898.

The message also announced that the House had agreed to the reports of the committees of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the following bills:

A bill (H. R. 9711) making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes; and

A bill (H. R. 10538) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1901.

The message further announced that the House had disagreed

to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8582) making appropriations for the support of the Regular and Volunteer Army for the fiscal year ending June 30, 1901, further insists upon its disagreements to the amendments of the Senate to the bill, asks a further conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. HULL, Mr. MARSH, and Mr. JETT managers at the conference on the part of the House.

The message also announced that the House insists upon its amendments to the bill (S. 2931) to incorporate the American National Red Cross, and for other purposes, agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. GILLET of Massachusetts, Mr. WM. ALDEN SMITH, and Mr. WILLIAMS of Mississippi managers at the conference on the part of the House.

The message further announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

- A bill (H. R. 5711) extending the term of patent No. 287230;
- A bill (H. R. 8498) to amend an act entitled "An act to authorize the reassessment of water-main taxes in the District of Columbia, and for other purposes," approved July 8, 1898;
- A bill (H. R. 8865) authorizing and requiring the Metropolitan Railroad Company to extend its lines on old Sixteenth street;
- A bill (H. R. 10740) to regulate the grades of Twentieth street, and for other purposes;
- A bill (H. R. 11326) to regulate the collection of taxes in the District of Columbia; and
- A bill (H. R. 11650) relating to certain railway corporations owning or operating street railways in the District of Columbia.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills:

- A bill (S. 1243) for the relief of the owner or owners of the schooner *Bergen*;
- A bill (S. 3473) for the relief of Corinne Strickland;
- A bill (H. R. 10538) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1901; and
- A bill (H. R. 11081) to provide for the holding of a term of the circuit and district courts of the United States at Superior, Wis.

SOUTH AFRICAN REPUBLICS.

Mr. WELLINGTON. Mr. President, at a meeting held on Sunday night by the citizens of Washington I was commissioned to present to the Senate a resolution, passed unanimously by that meeting, asking that the Senate of the United States shall adopt the resolution introduced by the Senator from Colorado [Mr. TELLER], which provides for the offer of the good offices of the United States to assist in bringing about a speedy conclusion of the war in South Africa.

I beg leave to present the resolution in the nature of a petition, and I ask that it be read and laid upon the table with the resolution of the Senator from Colorado. I desire to state that I shall call it up on Monday next, May 28, directly after the morning business, and submit some remarks thereon.

The PRESIDING OFFICER. Is there objection to the reading of the petition? The Chair hears none.

The Secretary read as follows:

CITIZENS' MEMORIAL.

WASHINGTON, D. C., May 20, 1900.

To the Senate of the United States:

The citizens of Washington, at a public reception of welcome to Messrs. Fischer, Wessels, and Wolmarans, the duly accredited peace envoys from the Republics of South Africa to the Republic of the United States, held in the capital of the nation on the 20th day of May, 1900, respectfully petition Congress to pass the following joint resolution introduced in the Senate by Mr. TELLER and in the House by Mr. SULZER:

"Whereas from the hour of achieving our independence as a people the people of the United States have regarded with sympathy the struggles of other people to free themselves from European domination: Therefore,

"Resolved, That we watch with deep and abiding interest the war between Great Britain and the South African Republics, and, with full determination to maintain a proper neutrality between the contending forces, we can not withhold our sympathy from the struggling people of the Republics; and it is our earnest desire that the Government of the United States, by its friendly offices offered to both powers, may assist in bringing the war to a speedy conclusion in a manner honorable to both Great Britain and the African Republics."

It was unanimously adopted that this petition be presented to the Senate and House of Representatives.

WM. SULZER, *Chairman of Meeting.*
PATRICK O'FARRELL, *Secretary.*

The PRESIDING OFFICER. According to the request of the Senator from Maryland the petition will lie on the table.

Mr. WELLINGTON. Let it lie on the table, and on Monday next I shall call it up with the resolution of the Senator from Colorado for the purpose of submitting some remarks.

PETITIONS AND MEMORIALS.

Mr. WELLINGTON presented the petition of Louis Schulze and 108 other wholesale and retail druggists of Baltimore, Md.,

praying for the passage of the so-called pure food and drug bill; which was referred to the Committee on Finance.

Mr. BARD presented a petition of the board of directors of the San Francisco Art Association, of California, praying for the enactment of legislation to constitute a Capitol art commission to formulate a plan for completing the decoration of the Capitol building in the city of Washington; which was referred to the Committee on the Library.

Mr. QUARLES presented a petition of the Wisconsin Association of Letter Carriers, praying for the enactment of legislation to equalize the pay of letter carriers; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented the petition of George P. Peck and 30 other citizens of Fayetteville, Wis., praying for the enactment of legislation placing a tax upon oleomargarine and all other kindred dairy products; which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of Local Branch No. 242, National Association of Letter Carriers, of Ashland, Wis., praying for the enactment of legislation providing for an increase of the salaries of letter carriers; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. SIMON presented a petition of sundry druggists of Portland, Oreg., praying for the repeal of the stamp tax upon proprietary medicines, perfumeries, and cosmetics; which was referred to the Committee on Finance.

Mr. ALLEN presented the petition of James R. Porter, of Haigler, Nebr., praying that he be granted indemnity for loss of property during the Fort Phil Kearney massacre; which was referred to the Committee on Indian Depredations.

He also presented a petition of sundry letter carriers of Omaha, Nebr., praying for the enactment of legislation to provide for the payment of overtime claims of letter carriers excluded from judgment as barred by limitation; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. McMILLAN presented a petition of Cascade Grange, No. 63, Patrons of Husbandry, of Ada, Mich., praying for the enactment of legislation providing for the election of United States Senators by popular vote; which was referred to the Committee on Privileges and Elections.

Mr. PENROSE presented petitions of granges No. 1155, No. 1118, No. 1116, No. 7025, No. 940, No. 55, No. 913, No. 291, No. 1035, No. 274, No. 998, No. 106, No. 1124, No. 176, No. 66, No. 1138, No. 880, No. 1148, No. 1088, No. 839, No. 65, No. 1149, No. 1112, No. 908, No. 89, No. 19, No. 1133, No. 1074, No. 158, No. 1154, No. 570, No. 1027, No. 981, No. 303, No. 1100, No. 989, No. 1034, No. 534, No. 868, No. 1121, No. 1041, No. 1033, and No. 444, all Patrons of Husbandry, in the State of Pennsylvania, praying for the enactment of legislation to secure protection in the use of adulterated food products; which were referred to the Committee on Manufactures.

Mr. PETTIGREW presented a petition of Local Assembly No. 10611, Knights of Labor, of Kenesee, Ky., praying for the public ownership of railways, telegraphs, and telephones and for the passage of Senate bill No. 1770, relative to the acquisition, purchase, construction, and condemnation by the United States of railroads lying within the United States, the respective States, and the District of Columbia engaged in interstate commerce, etc., and remonstrating against the passage of Senate bill No. 1439, to amend the interstate-commerce law; which was referred to the Committee on Interstate Commerce.

Mr. MORGAN. I present a memorial of the Eastern or Emigrant Cherokees, so called, praying for the payment to them per capita of the trust fund due under the ninth article of the treaty of 1846 and appropriated to them July 2, 1836, and found due by the award of the executive department of the United States, in pursuance of the Cherokee agreement of December 19, 1891, and the act of Congress of March 3, 1893. I move that the memorial be printed as a document, and referred to the Committee on Indian Affairs.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. GALLINGER, from the Committee on Pensions, to whom was referred the bill (S. 1014) for the relief of George McGuire, submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

He also, from the same committee, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

- A bill (S. 4191) granting a pension to Anna E. Littlefield;
- A bill (S. 4548) granting an increase of pension to Albert A. Roberts;
- A bill (H. R. 602) granting an increase of pension to Charles H. Adams;
- A bill (H. R. 8475) granting an increase of pension to Alice de Vecchj;

A bill (H. R. 5555) granting a pension to Virginia Hull; and
A bill (H. R. 9207) granting a pension to John F. Kelly.

Mr. GALLINGER, from the Committee on Pensions, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 2202) granting an increase of pension to Alvin N. Sabin; and

A bill (S. 4296) granting an increase of pension to Frances S. Childs.

Mr. GALLINGER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 3513) granting a pension to Edwin Hurlburt;

A bill (H. R. 9236) granting an increase of pension to Herman S. Soules;

A bill (H. R. 10719) granting an increase of pension to Elizabeth S. Seymour;

A bill (H. R. 2020) granting a pension to Clarissa Carruth;

A bill (H. R. 4424) granting a pension to Isaac N. Jennings;

A bill (H. R. 8536) granting an increase of pension to Robert Anderson, jr.; and

A bill (H. R. 10455) granting an increase of pension to Bertha G. Kimball.

Mr. ALLEN, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 3115) granting an increase of pension to Robert Moran;

A bill (H. R. 7512) granting a pension to Lydia Strang;

A bill (H. R. 1801) granting an increase of pension to Elijah Biddle;

A bill (H. R. 8888) granting an increase of pension to Henry O'Connor;

A bill (H. R. 1748) granting a pension to Ellen V. McCleery;

A bill (S. 2913) granting an increase of pension to William E. Ferree;

A bill (S. 2915) granting an increase of pension to Samuel Z. Murphy; and

A bill (H. R. 4118) granting an increase of pension to Enos H. Kirk.

Mr. ALLEN, from the Committee on Pensions, to whom was referred the bill (S. 2163) granting a pension to Franklin Kersting, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the amendment submitted by Mr. GALLINGER on the 17th instant, proposing to appropriate \$750 to pay Dennis M. Kerr for extra services as assistant to Committee on Pensions, intended to be proposed to the general deficiency appropriation bill, reported it with an amendment, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. KYLE, from the Committee on Pensions, to whom was referred the bill (S. 63) granting a pension to Cyrus A. B. Fox, reported it with amendments, and submitted a report thereon.

He also, from the Committee on Pensions, to whom was referred the bill (S. 4178) granting a pension to Thomas White, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 852) granting an increase of pension to James Cooper;

A bill (H. R. 7186) granting an increase of pension to Sylvester Doss, alias Harry S. Doss;

A bill (H. R. 6091) granting a pension to Mary A. Fullerton;

A bill (H. R. 9419) granting a pension to Henrietta P. Cotter;

A bill (H. R. 7852) granting an increase of pension to Oliver M. Brown;

A bill (H. R. 5695) granting a pension to Matilda Reeves;

A bill (H. R. 6425) granting an increase of pension to William H. Wendell;

A bill (H. R. 8235) granting an increase of pension to Daniel Metcalf;

A bill (H. R. 8236) granting an increase of pension to James M. Dennison;

A bill (H. R. 8885) granting an increase of pension to Sara H. M. Miley; and

A bill (H. R. 10443) granting a pension Anna C. White.

Mr. DEBOE, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 3869) granting a pension to Joseph H. Hamrick and Ella G. Hamrick;

A bill (H. R. 9752) granting a pension to Margaret Thornberry;

A bill (H. R. 2726) granting a pension to James A. Root;

A bill (H. R. 3495) granting an increase of pension to Levi G. Wilgus;

A bill (H. R. 5929) granting an increase of pension to Barton Acuff;

A bill (H. R. 8211) granting an increase of pension to William Shulmire; and

A bill (H. R. 10612) granting an increase of pension to Richard Harden.

Mr. DEBOE, from the Committee on Pensions, to whom was referred the bill (S. 1588) granting a pension to Eva Clark, reported it with an amendment, and submitted a report thereon.

Mr. TURNER, from the Committee on Pensions, to whom was referred the bill (H. R. 6164) granting a pension to Julia Traynor, reported it without amendment, and submitted a report thereon.

Mr. KENNEY, from the Committee on Pensions, to whom was referred the bill (H. R. 7145) granting a pension to Catharine Slayton, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 1978) granting an increase of pension to Ellis P. Phipps, reported it with an amendment, and submitted a report thereon.

Mr. LINDSAY, from the Committee on Pensions, to whom was referred the bill (S. 3941) granting an increase of pension to John Hutchins, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 6919) granting an increase of pension to John Blanchard; and

A bill (H. R. 1570) granting a pension to Susie Margarite Landrum.

Mr. SHOUP, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 6559) granting an increase of pension to Genevieve Laighton;

A bill (H. R. 5192) granting a pension to Louise Adams; and

A bill (H. R. 9194) granting a pension to Sarah Elvira C. Upham.

Mr. QUARLES, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 6564) granting a pension to Anna M. Starr; and

A bill (H. R. 9424) granting an increase of pension to George Cronk.

Mr. PRITCHARD, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 9915) granting a pension to Madison T. Trent;

A bill (H. R. 2126) granting an increase of pension to William H. Capehart; and

A bill (H. R. 9740) granting a pension to Sophia A. Lane.

He also, from the same committee, to whom was referred the bill (H. R. 1797) granting a pension to Jane Lucas, reported it with amendments, and submitted a report thereon.

Mr. BAKER, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 1932) granting an increase of pension to Thomas J. Jackson;

A bill (S. 1278) granting an increase of pension to F. W. Baker;

A bill (S. 1736) granting an increase of pension to Mary Irene Rosenthal;

A bill (S. 1269) granting a pension to Nancy J. Dunaway, of Garnett, Kans.; and

A bill (S. 4165) granting a pension to Dora Renfro.

Mr. BAKER, from the Committee on Pensions, to whom were referred the following bills, reported them without amendment, and submitted reports thereon:

A bill (H. R. 3068) granting an increase of pension to Evan M. Woodward;

A bill (H. R. 1230) granting a pension to Hannah Kennedy;

A bill (H. R. 5330) granting an increase of pension to Uri S. Keith; and

A bill (H. R. 8829) granting an increase of pension to John P. Pepper.

Mr. McMILLAN (for Mr. PROCTOR), from the Committee on the District of Columbia, to whom was referred the bill (S. 3157) to amend an act for the protection of fish in the District of Columbia, for the maintenance of a permanent spawning ground in the Potomac River in said District, and for other purposes, reported it with an amendment, and submitted a report thereon.

He also (for Mr. PROCTOR), from the same committee, to whom was referred the bill (S. 3158) to amend an act entitled "An act for the protection of birds, preservation of game, and for the prevention of its sale during certain closed seasons, in the District of Columbia, reported it with amendments, and submitted a report thereon.

Mr. MCBRIDE, from the Committee on Public Lands, to whom was referred the bill (H. R. 8765) for the relief of John C. Smith, reported it without amendment, and submitted a report thereon.

ADDITIONAL CLERKS IN PENSION BUREAU.

Mr. GALLINGER. I am directed by the Committee on Pensions to report back favorably with an amendment Senate resolution 351, introduced by the Senator from West Virginia [Mr. SCOTT] on the 18th instant, and I ask for its immediate consideration.

The Senate, by unanimous consent, proceeded to consider the resolution, which was read, as follows:

Resolved, That the Secretary of the Interior is hereby directed to inform the Senate what number, approximately, of additional clerks will be required to adjudicate the applications for original pensions now on file in the Bureau of Pensions at a date not later than the 1st day of October next.

The amendment of the committee was, in line 5, to strike out the words "October next" and insert "January, 1901."

The amendment was agreed to.

The resolution as amended was agreed to.

REPORTS OF AMERICAN HISTORICAL ASSOCIATION.

Mr. PLATT of New York. I am directed by the Committee on Printing, to whom was referred the joint resolution (H. J. Res. 255) to print the annual reports of the American Historical Association, to report it without amendment, and I ask for its present consideration.

The Secretary read the joint resolution; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration. It provides that there shall be printed of the annual reports of the American Historical Association, beginning with the report of the year 1899, 2,500 copies in addition to those provided for under existing law, of which 500 copies shall be for the use of the Senate, 1,000 copies for the use of the House of Representatives, and 1,000 copies for the use of the American Historical Association.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MESSAGES AND PAPERS OF THE PRESIDENTS.

Mr. PLATT of New York. From the Committee on Printing, I submit a report of the facts connected with the compilation and publication of the Messages and Papers of the Presidents, pursuant to the resolution submitted by the Senator from New Hampshire [Mr. CHANDLER] and adopted by the Senate. The report is accompanied by the testimony taken by the committee. I ask that the report and testimony be printed.

The PRESIDING OFFICER. Is it desired that the report shall be read, or shall it be received and ordered printed without reading?

Mr. GALLINGER. Mr. President, in connection with the report, I wish to make an inquiry. The report, I take it, is in answer to a resolution submitted by my colleague (Mr. CHANDLER), directing an inquiry by the Committee on Printing regarding the publication of the document known as "Messages and Papers of the Presidents." I do not know what the finding of the committee is, but I want to ask the chairman if the committee has taken any action on a concurrent resolution that I introduced some time ago to provide for the printing of 30,000 additional copies of this publication? From all over the country calls are coming for the publication, which is a very valuable one, which I think the Government has been wise in expending money in publishing, and the publication of which, in my judgment, ought to be continued. I should be very glad to know from the chairman that the committee has at least given some consideration to the resolution that I offered and sent to that committee.

Mr. PLATT of New York. I will say to the Senator from New Hampshire that the committee has taken no action on that resolution for the reason that the cost would be somewhere in the neighborhood of \$200,000.

Mr. CHANDLER. I ask that the report may be read. It is not long.

The PRESIDING OFFICER. The report will be read.

The Secretary read the report, as follows:

[Senate Report No. 1473, Fifty-sixth Congress, first session.]

The Committee on Printing respectfully reports to the Senate that it has completed an investigation into the facts connected with the compilation and publication of the Messages and Papers of the Presidents, both by Congress and as a private enterprise, pursuant to the following resolution adopted by the Senate April 19, 1900:

Resolved, That the Committee on Printing be directed to investigate the facts connected with the compilation and publication of the Messages and Papers of the Presidents; the result of the permission given to private persons to use the stereotyped plates; the distribution of the copies made gratuitously or otherwise by the Government; the sales made by private persons, and the methods adopted in making such sales; the circumstances under which the compilation has been copyrighted; and other material facts surrounding the compilation and distribution of the volumes; and report to the Senate the result of the inquiry and any legislation which may be deemed desirable by the committee.

The testimony taken by the committee under the above resolution is hereto annexed. Its perusal shows that on July 27, 1894, Congress authorized the compilation of all such messages and papers and gave the direction of the work to the Joint Committee on Printing. That committee, on August 20, 1894, requested the Hon. JAMES D. RICHARDSON, a Representative from the State of Tennessee, to make the compilation. Mr. RICHARDSON was then and in the preceding House had been a member of the House Committee on Printing. The general act providing for the printing, binding, and distribu-

tion of public documents, enacted January 12, 1895, made it illegal to copy-right any Government publication.

Mr. RICHARDSON began the work of compiling the Presidents' messages in April, 1895, and the publication began in February, 1896. The tenth and last volume was brought out in July, 1899. It is not to be doubted that Mr. RICHARDSON's labors were most assiduous, and that they consumed during this period a great amount of his time. Mr. RICHARDSON testifies that he devoted every spare hour of his time for a period of four years and three months to this work. An amendment in the sundry civil bill on January 4, 1897, requested Mr. RICHARDSON to make an index to the work, and he testifies that he expended more than \$3,000 from his own purse for necessary assistance in making this index.

Three editions of the Messages, aggregating 36,000 sets of ten volumes each, were printed by the Government Printing Office and distributed free by members and officers of the two Houses of Congress. These were duly authorized publications and distributions, and of the copies printed 34,439 were assigned to the members and officers of the Fifty-fourth and the Fifty-fifth Congresses, and certain fractional remainders of each edition, amounting in all to 659 copies, were placed by the Public Printer to the credit of Mr. RICHARDSON, the compiler, in accordance with the terms of the acts and resolutions of Congress under which the publication was authorized.

After several volumes of the first edition had been printed and in all subsequent volumes of the first edition and in all volumes of the succeeding editions Mr. RICHARDSON caused to be placed upon the reverse side of the title page of each book the words: "Copyright, 1897, by JAMES D. RICHARDSON." This inscription was printed some while before a copyright had been actually issued to Mr. RICHARDSON, but it appears that copyright was issued to him as each volume went to press, and he now claims the rights and privileges of copyright in connection with the publication of the work.

Mr. RICHARDSON says that his original insertion of the copyright inscription was not then intended as an assertion of copyright, but as notice to the public of his purpose to obtain copyright. He also says that he does not claim copyright as against the Government, but only as against all other publishers. It is not claimed by Mr. RICHARDSON that his copyright operates to protect him against the publication of any one or more of the collated messages, but that it does protect the form of the publication, and that it protects the illustrations and original matter with which the pages of the books are interspersed.

The Committee on Printing will not undertake to discuss the legal question here involved further than to say that the prohibition contained in the printing act was intended to cover every publication authorized by Congress in all possible forms, and in view of the debate which occurred at the time it is clear to the committee that Congress intended to prevent precisely what has happened—the copyrighting of this particular book.

Your committee thinks that copyright should not have issued in behalf of the Messages, and that the law as it stands is sufficient to deny copyright to any and every work once issued as a Government publication. If the services of any author or compiler employed by the Government require to be compensated, payment should be made in money, frankly and properly appropriated for that purpose, and the resulting book or other publication in whole and as to any part should be always at the free use of the people, and this, without doubt, was what Congress intended.

This consideration brings your committee to the origin if not to the cause of the conditions that led to this investigation. The sundry civil bill which became a law on June 4, 1897, carried in it a provision "That the Public Printer be, and he is hereby, authorized and directed to make and deliver to JAMES D. RICHARDSON, the compiler of The Messages and Papers of the Presidents, without cost to him, duplicate electrotype plates from which the compilation The Messages and Papers of the Presidents is published." Of course, these plates were given to Mr. RICHARDSON to be used by him in the further publication, for his own pecuniary benefit, of the compilation.

It must be assumed that Congress felt itself to be in Mr. RICHARDSON's debt and undertook to discharge what it regarded as a public obligation in this way. It made a mistake. If anything more than a gracious public acknowledgment of the value of his work was due to Mr. RICHARDSON, it should have been paid in money, duly appropriated for the purpose. The quasi authority given to Mr. RICHARDSON in this provision of the law to use these plates in his own way and for his own benefit led to a series of incidents for which his responsibility may be slight, but which have placed Congress in a false position.

A publisher of the name of James S. Barcus, then a resident of New York City and now of Terre Haute, Ind., made a contract with Mr. RICHARDSON under which the "exclusive use of the plates" was given to Barcus for ten years in an arrangement that he should print, publish, and sell the compilation, paying to Mr. RICHARDSON a royalty of 75 cents per set for all sets sold. In form the contract appears to be unobjectionable; but the methods pursued by Barcus and his organization to dispose of the work were questionable, and well devised to produce a false public impression.

Mr. Barcus was the sole owner of the privilege conveyed in the contract and, when the contract was made, was doing business as a publisher under the trade name of J. S. Barcus Company. Within five or six months after the contract was signed, this name was abandoned and Barcus assumed for his enterprise the name "committee on distribution." This name was used on all letter headings and other printed matter necessary to the business, all such matter being printed and devised in forms and with types, paper, and ink similar to those employed by Congress and its regular authorized committees. In the formal headings of such letters and circulars the name of Mr. RICHARDSON appeared as "editor" together with that of Ainsworth R. Spofford, the Assistant Librarian of Congress, as "general secretary."

The expressions and phrases employed in Barcus's printed material were such as necessarily to mislead the public into the belief that the Government was in some way identified with the publication and sale of his books. It was made to appear by language which was at times more than equivocal, that the unusual opportunity of obtaining the books which the Barcus literature and the Barcus agents claimed was being afforded, resided in this undefined relation of Congress to the enterprise. The Barcus edition was referred to in circular letters as a "Government document," and it was said that "Congress recently authorized the distribution of a limited number in each Congressional district," a statement that might perhaps have applied to the editions printed by the Public Printer but could not have applied to the editions printed from Mr. RICHARDSON's plates.

Persons addressed as prospective purchasers were told that the "committee on distribution" had been "appointed to distribute the work," and that Congress had "granted the privilege of printing a limited edition" and that the "distribution" was to be made by "Congressional districts," and that the "number of sets" had been "apportioned" in accordance with a "ratio." Barcus's agents were equipped with letters under the usual letter heading, in which they were informed that they had been "appointed" to be members of the "committee on distribution," and that their appointments had been "confirmed." All these expressions were so well calculated to deceive the public as to make it impossible to believe that they were not chosen for that purpose.

Mr. RICHARDSON's receipts from the sales of the edition printed and sold by Mr. Barcus had amounted up to the period of this investigation to \$11,320.50.

Your committee does not see the necessity of new legislation. Congress has it in its own power to avoid a repetition of the false representations of which it has been the victim by not again placing Government plates at the disposition of private persons. The language of the statute forbidding the copyrighting of Government publications appears to the committee to be as strong as it can be made.

The PRESIDING OFFICER. The report, together with the testimony which accompanies it, will be printed and laid on the table.

Mr. GALLINGER. Mr. President, I desire to make a single observation.

Mr. CHANDLER. Will the Senator first allow me a moment?

Mr. GALLINGER. Certainly.

Mr. CHANDLER. Mr. President, I have received some additional circulars that were sent out by the Barcus Company which I will present to the Senator from New York and ask to have printed at the close of the testimony connected with the report. I ask that that order may be made.

The PRESIDING OFFICER. The Senator from New Hampshire asks that some additional evidence in relation to the report made by the Committee on Printing shall be printed at the end of the printed testimony. Is there objection? The Chair hears none, and that order will be made.

Mr. GALLINGER. Mr. President, I desire to make an additional observation in connection with the matter which has just been presented to the Senate.

As already suggested, I offered a concurrent resolution, probably two or three weeks ago, which was sent to the Committee on Printing, asking for the printing of 30,000 additional copies of this document, Messages and Papers of the Presidents. The chairman of that committee says that no action has been taken upon it for the reason that it would cost in the vicinity of \$200,000 to print 30,000 copies.

Mr. President, I am not going to discuss at all the merits of the controversy between Mr. RICHARDSON and Congress, but I desire to call the attention of the Senate and the country to the fact that this publication is now being sold to the people of this country at \$34 per set while, if we can print 30,000 at a cost approximating \$200,000, it costs only between six and seven dollars per set. In other words, it will cost one hundred and ninety-odd thousand dollars for the Government to print 30,000 copies while the people of the country are paying to the Barcus Company \$1,020,000 for 30,000 copies, admitting that that number shall be sold.

Now, Mr. President, it seems to me that under these circumstances the Committee on Printing can with great propriety report back the concurrent resolution, reducing the number from 30,000 to 20,000, or 10,000 if they see fit to do so; and if the Government is not able to print this document for gratuitous distribution to the libraries and the scholars of the country, let the Committee on Printing recommend that it shall be printed and sold at cost, so that members of this body and members of the other House can purchase these books at a cost of six or seven dollars per set and send them to their constituents and to the libraries of their States. For myself, I should be very glad of an opportunity to purchase a very considerable number at the cost of six or seven dollars per set, and I should consider that I was doing my people a very great service to distribute these books to a limited extent under these circumstances rather than to have them sold at a cost of \$34 per set.

Mr. CHANDLER. Will my colleague state again what the cost will be at the Government's price and what the price is that is charged by the Barcus Company?

Mr. GALLINGER. The Senator from New York tells me privately that the cost for 30,000 sets is not quite \$200,000, but one hundred and ninety-odd thousand dollars, while the cost of 30,000 copies at the price the Barcus Company is charging would be \$1,020,000, or more than five times what it will cost if the Government shall furnish these books.

Now, Mr. President, this is a matter of business, it seems to me, and laying aside the merits or demerits of this controversy, which I do not propose to enter into at all, it appears to me that some action should be taken by the Committee on Printing looking to furnishing an edition of some number, whether it be 50,000 or 100,000 or 200,000, to Congress for gratuitous distribution, or, if this is impracticable, then let them be printed and supplied at cost, so that we can purchase and distribute them at our own expense.

ARMY APPROPRIATION BILL.

Mr. HAWLEY. Mr. President, I beg leave to call up the Army appropriation bill, which has just come over from the House.

The PRESIDING OFFICER laid before the Senate the action of the House of Representatives disagreeing to the report of the committee of conference on the bill (H. R. 8582) making appropriations for the support of the Regular and Volunteer Army for the fiscal year ending June 30, 1901, and requesting a further conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. HAWLEY. I move that the Senate still further insist on

its amendments and agree to the further conference asked by the House.

The motion was agreed to.

By unanimous consent, the Presiding Officer was authorized to appoint the conferees on the part of the Senate.

Mr. HAWLEY. I suggest that in place of the Senator from Vermont [Mr. PROCTOR], who is absent, the Senator from Montana [Mr. CARTER] be appointed one of the conferees.

The PRESIDING OFFICER appointed Mr. HAWLEY, Mr. CARTER, and Mr. COCKRELL as the conferees on the part of the Senate.

Mr. HAWLEY. Allow me informally to make a statement. While it looks formidable that the House disagrees to the amendments of the Senate, that is a mere matter of form. I am happy to say that the disagreement is only upon one not very important item, and I hope to submit the report of the conferees in the course of the afternoon.

TRANSFER OF GUNS TO GRAND ARMY POST.

Mr. CARTER. By direction of the Committee on Military Affairs and on behalf of the Senator from Vermont [Mr. PROCTOR], I report back without amendment the bill (H. R. 6876) providing for the transfer to Post 39, Grand Army of the Republic, at Lawrence, Mass., of certain guns now in possession of Battery C, Massachusetts Volunteer Militia.

Mr. LODGE. I ask for the present consideration of the bill. It will take but a moment.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CLAIMS ARISING DURING WAR WITH SPAIN.

Mr. TILLMAN. I ask unanimous consent for the present consideration of the bill (S. 3763) to authorize the Secretary of War to cause to be investigated and to provide for the payment of all just claims against the United States for private property taken and used in the military service within the limits of the United States during the war with Spain.

The PRESIDING OFFICER. Morning business has not yet been concluded.

Mr. TILLMAN. I thought it had been.

The PRESIDING OFFICER. If there are no further reports of committees, the introduction of bills and joint resolutions is in order.

BILLS INTRODUCED.

Mr. GALLINGER. Mr. President, some two or three weeks ago I introduced a resolution calling upon the proper officers of the District of Columbia to make a report concerning the quality of milk and cream furnished to the people of the District. Very interesting reports have been made by the health officer and by the dairy commissioner. The health officer has submitted two bills which he wishes to have enacted into law. I now introduce those bills, and ask that they may be severally read twice by their titles and referred to the Committee on the District of Columbia.

The bills were respectively read twice by their titles, and referred to the Committee on the District of Columbia, as follows:

A bill (S. 4803) to require cases of typhoid fever occurring in the District of Columbia to be reported to the health department of said District; and

A bill (S. 4804) to regulate the production and sale of milk and cream in and for the District of Columbia.

Mr. GALLINGER also introduced a bill (S. 4805) providing for a special term of the district court of the United States for Porto Rico; which was read twice by its title, and referred to the Committee on Pacific Islands and Porto Rico.

Mr. PENROSE introduced a bill (S. 4806) to correct the military record of Daniel O'Sullivan; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 4807) for the relief of the heirs of Martin Dubs; which was read twice by its title, and referred to the Committee on Claims.

Mr. GEAR introduced a bill (S. 4808) granting an eight-hour day to post-office clerks; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

Mr. HANNA introduced a bill (S. 4809) to correct the military record of Jacob Eckert; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Military Affairs.

Mr. HARRIS introduced a bill (S. 4810) to provide for the purchase of a site and the erection of a building thereon at Galena, State of Kansas; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. LINDSAY introduced a bill (S. 4811) to authorize the Jefferson Telephone Company to construct and maintain lines and offices for general telephone business in the Cherokee, Creek,

Choctaw, Seminole, and Chickasaw nations, in the Indian Territory, and also in the Osage Reservation, in the Territory of Oklahoma; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. WOLCOTT introduced a bill (S. 4812) for the relief of Louis Loeb; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 4813) granting a pension to Milton Reynolds; which was read twice by its title, and referred to the Committee on Pensions.

Mr. WETMORE introduced a bill (S. 4814) to authorize the President to reappoint, as a commander in the Navy, Thomas Amory De Blois, who voluntarily resigned in 1891; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. WELLINGTON introduced a bill (S. 4815) to refer the claim of the estate of Richard Lay, deceased, late of the District of Columbia, to the Court of Claims; which was read twice by its title, and referred to the Committee on Claims.

Mr. GALLINGER introduced a bill (S. 4816) to provide for the closing of part of an alley in square 169, in the city of Washington, D. C., and for the sale thereof to the Young Men's Christian Association of the city of Washington; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. NELSON introduced a bill (S. 4817) authorizing the construction of a railroad bridge across the Mississippi River at St. Paul, Minn.; which was read twice by its title, and referred to the Committee on Commerce.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. DEPEW submitted an amendment proposing to appropriate \$4,135.38 to refund to the Little Falls Knitting Mill Company, being the amount charged against it and deducted from the payments due on account of alleged failure to deliver merchandise as per contract made therefor, dated September 2, 1898, intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. GALLINGER submitted an amendment intended to be proposed by him to the bill (H. R. 11646) making provision for emergencies in river and harbor works, for certain surveys, and for the diversion of certain appropriations or modifications of provisions heretofore made; which was referred to the Committee on Commerce, and ordered to be printed.

CUBAN INVESTIGATION.

Mr. BACON. Mr. President, I desire to present an amendment intended to be proposed by me to the resolutions relative to the investigation of receipts and expenditures in Cuba. I do not ask that that amendment may be acted upon, because I desire that the opportunity shall be offered to such Senators as may desire to speak to these resolutions before the resolutions are referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

When this amendment is adopted it will necessitate that the resolution shall go to the Committee on Contingent Expenses. The consideration of and action upon the resolutions have been postponed in order that the Senator from Connecticut [Mr. PLATT] might have the opportunity, which he desired, to express himself to them. After he has done so, unless other Senators desire to be heard upon the resolutions, I shall ask that the amendment be adopted, and that the resolutions with the amendment go to the Committee on Contingent Expenses.

Mr. PLATT of Connecticut (Mr. GALLINGER in the chair). Mr. President, I take this opportunity to say that I shall to-morrow, at the conclusion of the ordinary routine morning business, if there is an opportunity, or, if not, during the day when there may be an opportunity—and I will seek such opportunity—call up the resolutions introduced by the Senator from Georgia [Mr. BACON], and ask for consideration and action upon them.

Mr. BACON. I ask that the amendment I have submitted may be printed in the RECORD and as a document.

The PRESIDING OFFICER (Mr. PLATT of Connecticut in the chair). The amendment will be received and printed in the RECORD and also printed as a document, in the absence of objection.

The amendment intended to be offered by Mr. BACON to the Senate resolution directing the Committee on Relations with Cuba to investigate and report relative to receipts and expenditures in Cuba is to add:

That said committee or any subcommittee thereof shall have the power to send for persons and papers, to administer oaths, and to examine witnesses under oath touching the matters which they are hereby empowered to investigate, and may either by full committee or subcommittee hold their sessions during the sessions of the Senate or during the recess of Congress at such place or places as they may determine for the efficient and proper execution of this order to be necessary or important either in the United States or in Cuba, to employ stenographers and such clerical assistance as may be deemed advisable; and the necessary and proper expense incurred in the execution of this order shall be paid out of the contingent fund of the Senate upon vouchers approved by the chairman of said committee.

EULOGIES ON THE LATE REPRESENTATIVE BLAND.

Mr. COCKRELL submitted the following concurrent resolution; which was referred to the Committee on Printing:

Resolved by the Senate (the House of Representatives concurring). That there be printed 6,000 additional copies of the eulogies upon the late Richard P. Bland, a Representative from the State of Missouri; of which 2,000 copies shall be for the use of the Senate and 4,000 copies for the use of the House of Representatives.

STATUES OF BENTON AND BLAIR.

Mr. COCKRELL submitted the following concurrent resolution; which was referred to the Committee on Printing:

Resolved by the Senate (the House of Representatives concurring). That there be printed and bound of the proceedings in Congress upon the acceptance of the statues of the late Thomas H. Benton and Francis P. Blair, presented by the State of Missouri, 16,500 copies, of which 5,000 shall be for the use of the Senate, 10,000 for the use of the House of Representatives, and the remaining 1,500 shall be for the use and distribution by the governor of Missouri; and the Secretary of the Treasury is hereby directed to have printed an engraving of said statues to accompany said proceedings, said engravings to be paid for out of the appropriation for the Bureau of Engraving and Printing.

COST OF ARMY TRANSPORTATION, ETC.

Mr. MORGAN. I present a resolution which I send to the desk, for which I ask present consideration.

The PRESIDING OFFICER. The resolution will be read.

The Secretary read as follows:

Resolved. That the Secretary of War is directed to furnish to the Senate, as fully and accurately as is practicable at this time, answers to the following inquiries:

SECTION 1. What has been the cost to the United States since May 1, 1898, of the transportation paid to or due to railroad companies for the transportation of officers and men in service with the Army of the United States, and of animals, property, munitions, equipment, arms and supplies of every kind belonging to the Quartermaster, Commissary, and Ordnance Departments of the Army, sent to the Philippine Islands from the Pacific coast or brought from any of said islands to the Pacific coast of the United States and sent to their destination from that coast to any part of the United States?

SEC. 2. What has been the cost of transportation, by sea, of the officers, men, animals, and other belongings of the Army mentioned in section 1 of these resolutions, since May 1, 1898, to Manila or other ports in the Philippine Islands, or from such ports to the ports of the United States on the Pacific and Atlantic oceans?

SEC. 3. What tolls, and at what price per ton, and what fares or charges for passengers, have been paid by the United States since May 1, 1898, to the Suez Canal Company for transports or troop ships and for troops passing through said canal, and the tonnage of each ship and its draft?

SEC. 4. What sum has been paid to each railroad company, or each line or system of railroads, naming the same, that terminates on or near the Pacific coast, for the transportation that is mentioned or referred to in section 1 of this resolution, so as to designate the system of railroads, known as the transcontinental railroad lines, on which such transportation was furnished?

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

Mr. CHANDLER. I ask that that resolution may go over.

The PRESIDING OFFICER. Objection being made, the resolution will go over.

COST OF NAVAL TRANSPORTATION, ETC.

Mr. MORGAN. I present another resolution, which I send to the desk and ask to have read.

The PRESIDING OFFICER. The resolution will be read.

The Secretary read as follows:

Resolved. That the Secretary of the Navy is directed to furnish to the Senate, as fully and accurately as is practicable at this time, answers to the following inquiries:

SECTION 1. Since May 1, 1898, what armed vessels, tenders, and war ships have been sent to the Philippine Islands by order of the Secretary of the Navy, or from said islands to other ports or places, giving the name, tonnage, and the time and place of departure and arrival, and the distance of sea travel of each voyage?

What is the cost of fuel consumed on each of said voyages, and the cost per ton of such fuel at the port of Manila, for each month during the period since said May 1, 1898?

SEC. 2. What tolls have been paid to the Suez Canal Company on each vessel sent through said canal by order of the Secretary of the Navy, and the price per ton paid for each vessel since May 1, 1898?

SEC. 3. What distance was covered, and in what time, by the battle ship *Oregon* in her voyage from the Pacific coast to Key West; and in her voyage, subsequently, from the Atlantic coast of the United States to Manila; and whether said voyages, respectively, were made within a reasonable time? What was the cost of the coal consumed on each voyage by the *Oregon*?

What was the cost of coal consumed on each ship under the command of Admiral Dewey on his return from Manila to the United States, and what distance was covered in that voyage?

The PRESIDING OFFICER. Does the Senator from Alabama ask for the present consideration of the resolution?

Mr. MORGAN. I do.

Mr. CHANDLER. I ask that that resolution may go over until to-morrow.

The PRESIDING OFFICER. The resolution will go over.

Mr. MORGAN. As the resolutions are to go over, I desire that they may be printed. I ask that both resolutions may be printed.

The PRESIDING OFFICER. The order to print will be made, in the absence of objection.

DEPENDENT-PENSION ACT.

Mr. GALLINGER. I offer a resolution, which I send to the desk, for which I ask immediate consideration.

The PRESIDING OFFICER. The resolution will be read.

The Secretary read as follows:

Resolved, That there be printed for the use of the Senate 500 additional copies of public act No. 94, entitled "An act in amendment of sections 2 and 3 of an act entitled 'An act granting pensions to soldiers and sailors who are incapacitated for the performance of manual labor, and providing for pensions to widows, minor children, and dependent parents,' approved June 27, 1890," said copies to be delivered to the Senate document room.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

Mr. COCKRELL. Let the resolution be again read.

Mr. GALLINGER. I will say to the Senator the resolution simply provides for reprinting the amended pension act of June 27, 1890, the information coming to me that the supply is entirely exhausted, and that calls are coming in for it.

Mr. COCKRELL. That is all right.

The PRESIDING OFFICER. The Chair understands the Senator from Missouri does not call for the reading of the resolution again?

Mr. COCKRELL. No.

The PRESIDING OFFICER. The question is on the adoption of the resolution.

The resolution was considered by unanimous consent, and agreed to.

CIVIL-SERVICE EXAMINATIONS.

Mr. GALLINGER. I present another resolution, for which I ask present consideration.

The Secretary read the resolution, as follows:

Resolved, That the Civil Service Commission is hereby directed to furnish the Senate, at the earliest practicable day, information as to the number of persons examined, under the direction of said commission, for appointment in the public service during each fiscal year since July 1, 1895, the number who passed the required examination each year, the number who received appointments, the number who were dropped from the eligible list because of not having received appointment within one year after successfully passing the required examination, and the number now on the eligible lists, designating the different classes of eligibles.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

Mr. LODGE. I should like to have that resolution go over and be printed.

The PRESIDING OFFICER. The resolution will go over, and be printed.

EDUCATION IN PORTO RICO.

Mr. GALLINGER submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That there be printed for the use of the division of customs and insular affairs, War Department, 700 copies of Senate Document No. 363, being the report of Dr. Victor S. Clark on education in Porto Rico.

CONSTITUTIONS OF SOUTH AFRICAN REPUBLICS.

Mr. ALLEN submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the President be, and he is hereby requested, if not deemed incompatible with the public interest, to transmit to the Senate a translation of the constitutions of the South African Republic and the Orange Free States.

ELECTION OF SENATORS BY THE PEOPLE.

Mr. KYLE. Is the morning business closed, Mr. President?

The PRESIDING OFFICER. It is not. Concurrent and other resolutions are still in order. If there are none such, there are resolutions coming over from a former day, which it is the duty of the Chair to lay before the Senate.

Mr. PETTIGREW. I rise to morning business. I wish to offer a resolution, which I ask to have read, and lie over until to-morrow.

The PRESIDING OFFICER. The resolution will be read.

The Secretary read the resolution, as follows:

Resolved, That the Committee on Privileges and Elections be discharged from the further consideration of joint resolution proposing an amendment to the Constitution providing for the election of Senators of the United States, and that said joint resolution be reported to the Senate and placed upon the Calendar for consideration.

The PRESIDING OFFICER. The resolution will be printed and lie upon the table, subject to the call of the Senator from South Dakota [Mr. PETTIGREW].

MILITARY STATISTICS RELATIVE TO THE PHILIPPINES.

Mr. DANIEL. I ask the Senate to consider at this time—

The PRESIDING OFFICER. Morning business is not yet concluded. The Chair lays before the Senate a resolution coming over from a previous day, which will be read.

The Secretary read the resolution submitted by Mr. KENNEY on the 19th instant, as follows:

Whereas it has been officially stated, on the strength of reports received from the general commanding in the Philippines, that the insurrection in those islands has been successfully suppressed; and

Whereas it is understood that the War Department is making preparations to return to the United States the troops now stationed in the Philippines, with a view of complying with the provisions of the act of March 2, 1899, providing for a temporary increase of the military forces and for the reduction of the Army to its former strength on or before July 1, 1901: Be it

Resolved, That the Secretary of War be directed to furnish to the Senate a statement showing—

1. The territory over which the military operations in the Philippines extended from September 1, 1899, to April 1, 1900.

2. The places in which garrisons were established during the period from September 1, 1899, to April 1, 1900.

3. The places occupied as garrisons by American troops on April 1, 1900.

4. The number of officers and enlisted men in active service in the Philippines on April 1, 1900.

5. The number of deaths in the army in the Philippines from all causes during the period from September 1, 1899, to April 1, 1900.

6. The number of wounded or sick soldiers in hospitals and soldiers disabled or incapacitated for service in the Philippines on April 1, 1900.

7. The number of enlisted men discharged the service in the Philippines for any cause since September 1, 1899.

8. The number of additional enlisted men sent to the Philippines since July 1, 1899, to recruit regiments stationed in the archipelago.

9. The number of American soldiers who have become insane since the occupation of the islands and what disposition has been made for their treatment.

10. The number of American soldiers belonging to the army in the Philippines who have committed suicide since the occupation of the islands.

Mr. LODGE. Mr. President, when that resolution was offered I asked that it go over in order that I might examine it. It seems to me that it is hardly in a shape in which it ought to be adopted. The last two clauses, in regard to insanity and suicide, have already been answered. The answer will be found on pages 5032, 5033 of the CONGRESSIONAL RECORD, an official statement from the War Department, coming entirely within the jurisdiction of the committee of the Senator from Connecticut [Mr. HAWLEY]. All the other inquiries, except the first three, are covered by the resolution which was introduced by the Senator from Nebraska [Mr. ALLEN] on the 24th of March, and reported on the 29th of March from the Committee on Military Affairs, with amendments enlarging its scope, which is now upon the Calendar, and which, I think, is in better form than this resolution. It seems to me also that in a resolution of inquiry it is not best to have a preamble, which might involve a good deal of debate, which undertakes to commit the Senate to a number of statements of fact.

Therefore, Mr. President, although this does not come within the scope of my committee, it seems to me it ought to go to the Committee on Military Affairs. A slight amendment of the resolution reported by the committee, now on the Calendar, would cover all that is asked for here and in better form.

I make this statement because I asked in the first place to have the resolution go over.

Mr. KENNEY. Mr. President, the distinguished Senator from Massachusetts [Mr. LODGE] who has just spoken gave notice some time ago that he would to-day call up the bill to provide a government for the Philippine Islands. I was under the impression that it was on the Calendar, but I do not see it there.

The Senate of the United States, Mr. President, is soon to be called upon to pass upon the question of a government for the Philippine Islands, and it does appear to me that there ought not to be withheld from this body any information that any department of this Government can give to the Senate which would enable it to have the fullest information in regard to the conditions in those islands. If the Senator from Massachusetts or if the Administration does not desire to give the information asked for in the resolution, then of course I must draw the conclusion that there may be some information called for by the resolution which it is not desired that the Senate or the country should have.

If there has been information furnished to the Senate as called for by any previous resolution here offered and adopted, then it will be a very easy matter for the Secretary of War to answer any one of the inquiries contained in my resolution by a reference to the answer heretofore given.

I notice an article to-day in the Post, of this city, headed "Retaken by Filipinos—Americans now occupy only a few coast towns." It is a short article of a quarter of a column, giving us newspaper information as to the condition in those islands. I am not the only Senator, neither am I the only American citizen, who desires to know just the conditions that to-day are existing in those possessions, if they be possessions, of the United States in that far-away sea.

If this resolution, Mr. President, should go to the Committee on Military Affairs, or to any other committee, it will be practically impossible to have it reported back favorably to the Senate in time to get the information that, in my judgment, it is necessary that we should have before we pass upon the bill to which I a moment ago referred. So I hope the Senate will refuse to commit the resolution to the Committee on Military Affairs or to any other committee, but that it may be adopted and the information may be had as speedily as possible.

Mr. LODGE. Mr. President, I have no desire to interfere with getting any information there is. I think that all the information that is asked for in the resolution it is perfectly proper to have; but this thirst for information, I merely pointed out, might have been quenched if the Senator would have taken the trouble to look at the proceedings of this body, as to part of it; at all events, the last two clauses. Moreover, I object to preambles to resolutions of inquiry.

The Committee on Military Affairs have had a resolution on the Calendar since the 29th of March, which any Senator who is interested in the matter could have called up and have passed at any

moment; and it seems to me that that was the easiest way to get the information. But if it is thought better to pass this resolution without the preamble, I have no objection in the world to it.

Mr. KENNEY. In reply to the statement of the distinguished Senator from Massachusetts [Mr. LODGE] as to the preamble of the resolution, I desire to say that that preamble does not contain anything that has not been published and stated throughout this country as being facts. If so, there certainly can be no reason why the resolution should not be preceded by a preamble reciting what the War Department has sent out and published from one end of the country to the other as to the facts existing in those islands.

Mr. LODGE. Mr. President, I for one have no knowledge of any such statement as is set forth in that preamble. I do not believe that there is any reason why the Senate should undertake to commit itself to a series of statements put forward by the Senator from Delaware without considerable investigation. I have no objection in the world to the inquiry, but if we are to be committed to a series of statements of that sort, I think it will take some discussion before we can agree to the resolution.

Mr. KENNEY. I want to say, in reply to the suggestion of the Senator from Massachusetts, that if he had been as industrious as he should have been in looking over the proceedings of this Senate he would probably have been advised of the fact that there have been such statements made here.

Mr. CARTER. Mr. President, when Calendar No. 801, the resolution presented by the Senator from Nebraska [Mr. ALLEN], was referred to the Committee on Military Affairs, it was accompanied by quite an extensive preamble reciting matters concerning which members of the committee could not agree; but it was unanimously agreed that the inquiries to be propounded to the Secretary of War were proper in themselves and would elicit the information desired quite as effectually as if accompanied by a lengthy preamble. The committee further concluded that some additions should be made to the resolution. The amendments in the body of the resolution were very meager. We inserted in line 7, it will be observed, after the word "disease," the words "or suicide;" in line 12 we struck out the word "contagious" before the word "diseases," so as to give the inquiry a more sweeping character; and we added at the conclusion of the resolution the following:

And also that the comparative losses and disabilities of white and colored troops in the Philippine Islands be included.

The committee thought information upon that point would be of advantage in matters relating to future legislation.

This resolution, presented at that time by the Senator from Nebraska, covers in substance the subject-matter embraced in the resolution of the Senator from Delaware [Mr. KENNEY]. The difficulty of the duplication of work is very aptly illustrated by the presentation to the War Department, should the Senate so decide, of these two resolutions covering the same general question, but using somewhat different phraseology. The phraseology varies just sufficiently to require a dual investigation and a dual report upon the same question.

Inasmuch as the Committee on Military Affairs, in the report upon the resolution of the Senator from Nebraska, manifested a desire, not only to make a report favorable to the investigation, but likewise elaborated the scope of the resolution presented, striking out the preamble, which is objectionable and unnecessary, I suggest to the Senator from Delaware, in order to harmonize these two resolutions and before the one now upon the Calendar is passed, that he let his resolution be referred to the Committee on Military Affairs.

Mr. ALLEN. Will the Senator permit me to interrupt him?

Mr. CARTER. It is thought proper—

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Nebraska?

Mr. CARTER. I will yield in one moment, if the Senator will permit me to finish the sentence. I suggest that we harmonize the two resolutions, embracing in one resolution all the inquiries contemplated by the two. I suggest further to the Senator that he may without any difficulty offer such amendment as he may think proper to the resolution now on the Calendar, formerly presented by the Senator from Nebraska. Any one of these various ways will be satisfactory and will accomplish the purpose he has in view and save the time of the Senate and transact the business in an orderly fashion.

Mr. ALLEN. I should like to ask if the Senator has any objection to taking up the resolution and putting it upon its passage at this time?

Mr. CARTER. I see no objection to the resolution being considered. I speak for myself alone.

Mr. ALLEN. With the consent of the Senator from Delaware I ask unanimous consent that the resolution on the Calendar may be taken up for consideration.

Mr. KENNEY. Mr. President—

Mr. ALLEN. It will be open to amendment.

Mr. KENNEY. Do I understand that it does not affect my resolution?

Mr. ALLEN. Not at all.

The PRESIDING OFFICER. The Senator from Nebraska asks unanimous consent that the resolution under consideration may be laid aside and that the Senate take up for consideration resolution No. 222, reported by the Committee on Military Affairs. Is there objection?

Mr. TILLMAN. Let it be read, Mr. President.

The PRESIDING OFFICER. Does the Senator desire it read for information or consideration?

Mr. GALLINGER. Let it be read for information.

The Secretary read the resolution submitted by Mr. ALLEN March 24, 1900, and reported from the Committee on Military Affairs March 29, 1900.

The PRESIDING OFFICER. Is there objection to the substitution of this resolution for the one under consideration? The Chair hears none.

The resolution was reported from the Committee on Military Affairs with amendments, in line 7, after the word "disease," to insert "or suicide;" in line 12, before the word "diseases," to strike out "contagious;" and at the end of the resolution to insert:

And also that the comparative losses and disabilities of white and colored troops in the Philippine Islands be included.

So as to make the resolution read:

Resolved, That the Secretary of War be, and he is hereby, directed to send to the Senate the following information: A statement of the number of soldiers, volunteer and regular, who have been killed and died from wounds received in the Philippine Islands since August 1, 1898; the number of regular and volunteer soldiers who have died from disease or suicide during that period; the number who have been wounded in action or otherwise, and what proportion of them are still incapacitated for duty; the number who have committed suicide during said period; the percentage of sick, disabled, and invalid soldiers therein; what diseases have been prevalent, if any, in the military camps on the islands of the Philippine Archipelago during said time, and what steps, if any, have been taken for the better protection of their health, and a statement of the number of soldiers who have become insane since the close of the Spanish-American war while in service in the Philippine Archipelago, and the disposition which has been made of them. And also that the comparative losses and disabilities of white and colored troops in the Philippine Islands be included.

The amendments were agreed to.

Mr. KENNEY. I desire to amend the resolution as reported from the committee which has just been read by adding thereto such inquiries as are contained in the resolution I offered on Saturday that are not contained in this resolution.

The PRESIDING OFFICER. Will the Senator state more specifically the amendment he proposes?

Mr. KENNEY. I offer the amendment I send to the desk.

The SECRETARY. It is proposed to add at the end of the resolution the following:

Also to include the territory over which the military operations in the Philippines extended from September 1, 1899, to April 1, 1900.

The places in which garrisons were established during the period from September 1, 1899, to April 1, 1900.

The places occupied as garrisons by American troops on April 1, 1900. The number of officers and enlisted men in active service in the Philippines on April 1, 1900.

Mr. TILLMAN. I suggest to the Senator from Delaware that if we want the information we want it up to date, and that he had better change the date from April 1 to May 1, because the War Department can give the one just as well as the other. In view of the statement he has read that our garrisons are withdrawing from the interior and retiring to the coast, we ought to know just the status now, rather than what it was six weeks ago.

Mr. KENNEY. I will accept the amendment making it for May 1, 1900, wherever April 1 occurs. I also ask that the article in the Post may be printed as a part of the remarks I have submitted.

The PRESIDING OFFICER. The amendment will be modified by changing the date from April 1 to May 1, 1900. The question is on agreeing to the amendment.

Mr. CARTER. The amendment, as I understand the Senator, includes the first, second, third, and fourth paragraphs of the resolution formerly presented by him.

Mr. KENNEY. And that is all.

Mr. CARTER. I see no objection to it.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Delaware.

The amendment was agreed to.

The resolution as amended was agreed to.

Mr. THURSTON. I desire to submit a conference report.

Mr. GALLINGER. Will the Senator from Nebraska yield to me for just a moment to get an order made?

The PRESIDING OFFICER. Will the Senator please suspend? The Senator from Delaware requested, and the Chair omitted to bring the matter to the attention of the Senate, that in connection with the passage of the resolution which has just been considered an article printed this morning in the Washington Post may be inserted in the RECORD. Is there objection?

Mr. HAWLEY. What is the article about?

Mr. KENNEY. Down to the words "The first death of a white man." I do not desire all of it, but only a portion of it inserted, down to the words "The first death of a white man."

The PRESIDING OFFICER. The Chair has no knowledge of what the article is beyond the statement of the Senator from Delaware.

Mr. KENNEY. I read the headlines. If the Senator desires me to read the article, I will do so. It is headed, "Retaken by Filipinos. Americans now occupy only a few coast towns."

Mr. LODGE. I rise to a question of order. Are we still on the matter of that inquiry? I understood that the resolution had been passed and a conference report submitted.

The PRESIDING OFFICER. The Senator from Delaware, at the time the matter was under consideration, asked that the article might be printed in the RECORD. The Chair omitted at that time to bring it to the consideration of the Senate, and so stated, and brings it to the attention of the Senate.

Mr. HAWLEY. Before assenting or dissenting I should like to know what is the general drift of the article.

Mr. KENNEY. I will read it. It is headed:

Retaken by Filipinos—Americans now occupy only a few coast towns—Situation in southern Luzon—General Bell orders the garrisons to withdraw from the interior—Moros in Mindanao rise in arms and open fire from a Spanish fort—Shelled by a gunboat, but insurgents hold their own—First American to die in Manila from the plague.

The article is as follows:

MANILA, May 21.

Gen. James M. Bell, commanding the hemp provinces of southern Luzon, has issued an order to his officers not to attempt to organize the municipal governments, as prescribed by Major-General Otis in his recent order, on account of the disturbed conditions. The Americans occupy a few coast towns, which the insurgents surround, constantly assailing the garrisons, which are too small to attempt operations in the surrounding country.

Major Wise, with two companies, is in Donsol, an important town of Sorsogon, surrounded by a thousand insurgents. The Americans occupy trenches and are continually exchanging shots with the enemy. Several regiments are needed to control each southern province, but they can not be spared from their present stations. Another squadron of cavalry will be sent to General Bell.

On the first trouble occurring with the Moros in the southern part of Mindanao, at Cottabatto, Major Brett sent a detachment to preserve peace at a conference between two quarrelling chiefs. During the conference the tribesmen began shooting. One of the bands fired upon the Americans from an old Spanish fort. The soldiers returned the fire, killing several of the natives, but they were unable to take the fort, although a gunboat shelled it. Major Brett is sending a larger body to punish the recalcitrants.

Mr. HAWLEY. That now goes into the RECORD, does it not?

The PRESIDING OFFICER. The Chair so understands. It goes in as a part of the remarks of the Senator from Delaware.

Mr. HAWLEY. I have no objection. We all read it in the morning papers.

Mr. KENNEY. I did not desire to read it, but I was forced to do so by the objection.

Mr. HAWLEY. I have no objection to it going into the RECORD.

NORTH AMERICAN TRUST COMPANY OF HAVANA.

The PRESIDING OFFICER laid before the Senate the resolution submitted by Mr. JONES of Arkansas on the 19th instant; which was considered by unanimous consent, and agreed to, as follows:

Whereas the New York Journal, in its issue of May 14, 1900, declared under an Havana date line that the North American Trust Company of Havana has a practical monopoly of the banking business of the island of Cuba, and is the fiscal agent of the United States Government in that island, pays all Government drafts and warrants and exacts a commission of 1 per cent for every Government draft or warrant cashed; and

Whereas it is further declared in the Journal: "In these and still more extensive operations a comparatively small coterie of politicians and public officials are making fortunes out of the Government's financial department in Cuba;"

Resolved, That the Secretary of War be directed to report to the Senate, as early as practicable, all information in his possession relative to the organization and composition of the North American Trust Company; to report the nature of the Government's financial business transacted by said trust company; whether or not the Cuban revenues, as well as any or all of the money of the United States Government, including that used in the payment of the United States troops, are handled by the said trust company; how and by whom the said trust company was designated as the fiscal agent of the United States Government; what security, if any, said trust company has furnished the United States Government, and whether or not any commission is charged by the said trust company for the cashing of Government drafts or warrants; the purpose being to ascertain everything concerning the North American Trust Company and its financial operations in connection with the United States Government.

ANDREW F. DINSMORE.

Mr. GALLINGER. I submit a concurrent resolution and ask for its present consideration. It is a matter that ought to be attended to. It will take but a moment.

The concurrent resolution was considered by unanimous consent, and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That the President be requested to return to the Senate the bill of the Senate No. 3215, granting an increase of pension to Andrew F. Dinsmore.

INDIAN APPROPRIATION BILL.

Mr. THURSTON submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7433) making appropriations for the current and contingent expenses of the Indian Department

and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1901, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 29, 40, 61, 62, 64, 65, 68, 72, 73, 80, 81, 87, 89, 90, 91, 93, 103, 108.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 27, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 41, 42, 43, 44, 46, 48, 51, 52, 53, 54, 57, 60, 66, 69, 70, 71, 74, 76, 78, 79, 82, 83, 84, 86, 88, 92, 96, 97, 98, 99, 100, 101, 104, 105, 106, 109, 114, 115, 116, 117, 118, 119, 120, 122, 123, and 126; and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment, as follows: In lieu of the total sum proposed insert "\$83,150;" and the Senate agree to the same.

That the Senate recede from its amendment numbered 26, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment, amended as follows: On page 21 of the bill, in line 12, strike out "or grazing," and after the word "purposes," in the same line, insert "only;" and the House agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment as follows: After the word "purpose," in line 7 of said amendment, add the following: "Provided, That hereafter the clerks of the district courts in the Indian Territory shall account for and pay into the Treasury of the United States all fees collected in excess of \$1,000 per year; all settlements to be made in accordance with such rules and regulations as the Attorney-General may prescribe;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 45, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$5,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 47, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$24,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 49, and agree to the same with an amendment as follows: After the word "identified," in line 8 of said amendment, strike out the words "and enrolled;" in line 14 of said amendment strike out the words "they shall" and insert "may;" after the word "allotment," in line 16 of said amendment, insert "Provided further, That all contracts or agreements looking to the sale or incumbrance in any way of the lands to be allotted to said Mississippi Choctaws shall be null and void;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 50, and agree to the same with an amendment as follows: Strike out all after the word "That," in line 10 of said amendment, down to and including the word "Secretary," in line 28, and in lieu thereof insert:

"The Secretary of the Interior is hereby authorized, under rules and regulations to be prescribed by him, to survey, lay out, and plat into town lots, streets, alleys, and parks, the sites of such towns and villages in the Choctaw, Chickasaw, Creek, and Cherokee nations, as may at that time have a population of 200 or more, in such manner as will best subserve the then present needs and the reasonable prospective growth of such towns. The work of surveying, laying out, and platting such town sites shall be done by competent surveyors, who shall prepare five copies of the plat of each town site, which, when the survey is approved by the Secretary of the Interior, shall be filed as follows: One in the office of the Commissioner of Indian Affairs, one with the principal chief of the nation, one with the clerk of the court within the territorial jurisdiction of which the town is located, one with the Commission to the Five Civilized Tribes, and one with the town authorities, if there be such. Where in his judgment the best interests of the public service require, the Secretary of the Interior may secure the surveying, laying out, and platting of town sites in any of said nations by contract."

"Hereafter the work of the respective town-site commissions provided for in the agreement with the Choctaw and Chickasaw tribes ratified in section 29 of the act of June 28, 1898, entitled 'An act for the protection of the people of the Indian Territory, and for other purposes,' shall begin as to any town site immediately upon the approval of the survey by the Secretary of the Interior and not before."

"The Secretary of the Interior may in his discretion appoint a town-site commission consisting of three members for each of the Creek and Cherokee nations, at least one of whom shall be a citizen of the tribe and shall be appointed upon the nomination of the principal chief of the tribe. Each commission, under the supervision of the Secretary of the Interior, shall appraise and sell for the benefit of the tribe the town lots in the nation for which it is appointed, acting in conformity with the provisions of any then existing act of Congress or agreement with the tribe approved by Congress. The agreement of any two members of the commission as to the true value of any lot shall constitute a determination thereof, subject to the approval of the Secretary of the Interior, and if no two members are able to agree the matter shall be determined by such Secretary."

"Where in his judgment the public interests will be thereby subserved, the Secretary of the Interior may appoint in the Choctaw, Chickasaw, Creek, or Cherokee Nation a separate town-site commission for any town, in which event as to that town such local commission may exercise the same authority and perform the same duties which would otherwise devolve upon the commission for that nation. Every such local commission shall be appointed in the manner provided in the act approved June 28, 1898, entitled 'An act for the protection of the people of the Indian Territory.'

"The Secretary of the Interior, where in his judgment the public interests will be thereby subserved, may permit the authorities of any town in any of said nations, at the expense of the town, to survey, lay out, and plat the site thereof, subject to his supervision and approval, as in other instances."

"As soon as the plat of any town site is approved, the proper commission shall, with all reasonable dispatch and within a limited time, to be prescribed by the Secretary of the Interior, proceed to make the appraisal of the lots and improvements, if any, thereon, and after the approval thereof by the Secretary of the Interior, shall, under the supervision of such Secretary, proceed to the disposition and sale of the lots in conformity with any then existing act of Congress or agreement with the tribe approved by Congress, and if the proper commission shall not complete such appraisal and sale within the time limited by the Secretary of the Interior, they shall receive no pay for such additional time as may be taken by them, unless the Secretary of the Interior for good cause shown shall expressly direct otherwise."

"The Secretary of the Interior may, for good cause, remove any member of any town-site commission, tribal or local, in any of said nations, and may fill the vacancy thereby made or any vacancy otherwise occurring in like manner as the place was originally filled."

"It shall not be required that the town-site limits established in the course of the platting and disposing of town lots and the corporate limits of the town, if incorporated, shall be identical or coextensive, but such town-site limits and corporate limits shall be so established as to best subserve the then present needs and the reasonable prospective growth of the town, as

the same shall appear at the times when such limits are respectively established: *Provided further*, That the exterior limits of all town sites shall be designated and fixed at the earliest practicable time under rules and regulations prescribed by the Secretary of the Interior.

"Upon the recommendation of the Commission to the Five Civilized Tribes the Secretary of the Interior is hereby authorized at any time before allotment to set aside and reserve from allotment any lands in the Choctaw, Chickasaw, Creek, or Cherokee nations, not exceeding 160 acres in any one tract, at such stations as are or shall be established in conformity with law on the line of any railroad which shall be constructed or be in process of construction in or through either of said nations prior to the allotment of the lands therein, and this irrespective of the population of such town site at the time. Such town sites shall be surveyed, laid out, and platted, and the lands therein disposed of for the benefit of the tribe in the manner herein prescribed for other town sites: *Provided further*, That whenever any tract of land shall be set aside as herein provided which is occupied by a member of the tribe, such occupant shall be fully compensated for his improvements thereon under such rules and regulations as may be prescribed by the Secretary of the Interior.

"Nothing herein contained shall have the effect of avoiding any work heretofore done in pursuance of the said act of June 28, 1898, in the way of surveying, laying out, or platting of town sites, appraising or disposing of town lots in any of said nations, but the same, if not heretofore carried to a state of completion, may be completed according to the provisions hereof."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 55, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$50,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 56, and agree to the same with an amendment as follows: In line 2 of said amendment strike out "such number of;" and in line 4 of said amendment strike out the word "four" and insert "two;" and the Senate agree to the same.

That the House recede from its disagreement to the amendments of the Senate numbered 58 and 59, and agree to the same with an amendment as follows: After the word "available," in line 4 of said amendment No. 58, insert the word "and;" after the word "dollars," in line 5 of said amendment No. 59, insert "in all the sum of \$25,300, reimbursable under the provisions of the act of March 2, 1889," said two amendments to be assembled and stand as one amendment; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 63, and agree to the same with an amendment as follows: In line 4 of said amendment strike out "thirty-nine" and insert "three;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 67, and agree to the same with an amendment as follows: In line 11 of said amendment, after the word "within," strike out "one year" and insert in lieu thereof "six months."

After the word "identity," in line 12 of said amendment, insert "in such manner as the Secretary of the Interior may prescribe;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 75, and agree to the same with an amendment as follows: In line 7 of said amendment, after the word "first," insert "carefully examined and;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 77, and agree to the same with an amendment as follows: In line 1 of said amendment strike out all after the word "Interior" down to and including the word "and," in line 7 of said amendment; in line 8 of said amendment, after the word "lands," insert "and improvements;" in lieu of the total sum proposed by said amendment insert "\$171,615.44;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 85, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$1,440,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 94, and agree to the same with an amendment as follows: In line 5 of said amendment, after the word "plant," strike out "two" and insert "one;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 95, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$32,050;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 102, and agree to the same with an amendment as follows: In lieu of the total sum proposed insert "\$54,325;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 107, and agree to the same with an amendment as follows: In lieu of the total sum proposed insert "\$122,200;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 110, and agree to the same with an amendment as follows: After the word "establishment," in line 1 of said amendment, insert "in the discretion of the Secretary of the Interior;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 111, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$7,500;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 112, and agree to the same with an amendment as follows: In lieu of the total sum insert "\$109,700;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 113, and agree to the same with an amendment as follows: In line 1 of said amendment, after the word "purchase," insert "in the discretion of the Secretary of the Interior."

In line 3 of said amendment, after the word "dollars," insert "or so much thereof as may be necessary;" and the Senate agree to the same.

That the Senate recede from its amendment numbered 121, and agree to the same with an amendment as follows:

Strike out the matter inserted by said amendment and amend with amendments, as follows:

On page 44, line 7 of the bill, after the word "buildings," insert "and for sewerage, water supply, and lighting plants."

And on page 44, line 7 of the bill, after the word "hundred," insert "and forty."

On page 44, line 8 of the bill, after the word "dollars," insert "and \$40,000 of which shall be immediately available;" and the House agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 124, and agree to the same with an amendment as follows: On page 55, lines 12 and 13 of the bill, strike out "upon the reservation," and insert "at reservation or industrial schools;" on page 55, line 15 of the bill,

after the word "advisable," insert "and the sum of \$10,000 is hereby appropriated to enable the Secretary of the Interior to carry this provision into effect;" and the Senate agree to the same.

That the Senate recede from its amendment numbered 125, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment, and on page 55, line 17 of the bill, strike out the word "such" and insert "unimproved;" and on page 55, line 18 of the bill, after the word "lands," insert "for agricultural purposes;" and the House agree to the same.

That the Senate recede from its amendment numbered 127, and agree to the same with an amendment, as follows: Restore the matter stricken out by said amendment, and on page 59, line 16 of the bill, after the word "lands," insert: "and all sales and conveyances of lands of deceased allottees by their heirs, which have been duly made and executed by such heirs and duly approved by the Secretary of the Interior, are hereby ratified and confirmed;" and the House agree to the same.

JOHN M. THURSTON,
O. H. PLATT,

JAMES K. JONES,
Managers on the part of the Senate.

J. S. SHERMAN,
CHARLES CURTIS,

JOHN S. LITTLE,
Managers on the part of the House.

Mr. THURSTON. I submit and ask to have printed in the RECORD the following tabulated statement:

	Amount of House bill.	Amount of Senate bill as passed.	Amount as reported by conference committee.
Current expenses, salaries, etc.....	\$321,140.00	\$825,098.00	\$825,098.00
Fulfilling treaty stipulations.....	2,319,246.09	2,300,942.49	2,300,942.49
Miscellaneous—supports, gratuities..	635,500.00	646,500.00	646,500.00
Incidental expenses.....	82,180.00	92,680.00	92,680.00
Support of schools.....	2,932,467.00	3,125,210.00	3,105,367.00
Miscellaneous.....	474,204.96	1,523,414.75	1,253,009.75
Total.....	7,264,738.05	8,513,845.24	8,223,597.24

The PRESIDING OFFICER. Will the Senate agree to the conference report?

Mr. JONES of Arkansas. Mr. President, I signed that conference report, and I am in favor of its adoption, but I wish to make a statement in connection with it before the vote is taken.

One point of difference which engaged the attention of the conferees for a considerable time was the provision which the House inserted on page 65 of the bill, amendment 110. The House inserted the following paragraph:

For the purpose of removing the Indian school now located at Perris, Cal., to a new and more suitable site at or near Riverside, Cal.: *Provided*, That a suitable site can be obtained there for a reasonable sum, to be selected by the Commissioner of Indian Affairs, with the approval of the Secretary of the Interior, for the purchase of land, the erection of buildings, and for other purposes necessary to establish a complete school plant upon the new site \$75,000.

The Senate amended the provision by striking out the words:

For the purpose of removing the Indian school now located at Perris, Cal. to a new and more suitable site at or near Riverside, Cal.

And inserting these words:

For the establishment of an Indian school at or near Riverside, Cal.

The effect of the Senate amendment being to leave the school at Perris, Cal., while proposing to build a new school at Riverside.

While this matter was pending in the committee of conference, there were numerous and conflicting reports coming to the committee, some urging the establishment of a new school at Riverside, others protesting against the removal of the school from Perris, and it seemed impossible to find out what the facts were. After investigation and considerable debate, the conferees agreed to amend this proposal by leaving the provision for the Perris school to remain as the Senate had fixed it and amending the proposition as the Senate had adopted it for the establishment of an Indian school at or near Riverside, Cal., by inserting the words "in the discretion of the Secretary of the Interior." So, while the school at Perris remains, the question as to whether there shall be a new school established at Riverside shall be determined by the Secretary of the Interior, and it is to be there located if it should be needed.

Charges have been made about the wrongs to which the Government was compelled to submit at Perris that were enough to stir one's blood. On the other hand, statements were made that there was really no necessity for the removal of the school at Perris. I have here, and I want to read for the purpose of getting it into the RECORD, a letter from a gentleman with whom I am well acquainted, a lawyer at Los Angeles, who has or can have no connection with this matter—and says he has none whatever—so that the authorities, the Secretary of the Interior and the Commissioner of Indian Affairs, when the question shall come up as to whether or not there shall be a new school established at Riverside, shall have the statement made by this man Gibbon. The letter is as follows, under date of May 14:

LOS ANGELES TERMINAL RAILWAY COMPANY, GENERAL OFFICES,
Los Angeles, Cal., May 14, 1900.

MY DEAR SIR: On yesterday I visited the Indian school at Perris and saw the buildings and inspected the surroundings of the school, investigating

quality of land and possibility of water supply. I had with me a copy of the letter of Superintendent Harward Hall, of the school, of date April 12, 1900, addressed to Hon. JAMES S. SHERMAN, chairman of the Committee on Indian Affairs of the House of Representatives, and copies of which letter, I am informed, have been presented to the Committee on Indian Affairs of the Senate, of which you are a member.

In my investigations I made particular inquiry on the points mentioned in Mr. Hall's letter, and the following is the result of actual personal observation and investigation:

First, the land in Perris Valley, surrounding the Indian school, is, judging by the crops which it produces, as good as there is in California. I saw as fine orchards and also as fine alfalfa growing upon it as I have ever looked at. I was told by several farmers in the vicinity of the Indian school that they reap from six to eight crops of alfalfa per annum from their lands, where proper care in irrigating is given, and the crops average from 8 to 10 tons per acre per annum. Alfalfa hay has never, in the ten years that I have been in California, commanded a less price than \$6 per ton, and has often brought twelve to fifteen dollars per ton. The average price is probably seven to ten dollars. The 80 acres of land on which the Perris Indian school is at present located, judging from my own observation and from the opinions of various people intimately acquainted with it, is as good as any in the valley, and with proper care could be made to produce an abundance of fruits and vegetables for the use of the school, and will easily produce forage sufficient to feed all the horses needed by the school, sufficient cows to produce milk and butter, and, indeed, from the produce of the land might readily be raised all the meats required by the school.

The water supply of Perris Valley surrounding the school is not only unsurpassed but hardly equaled by any other portion of southern California. There are within 5 miles of the Perris School from twenty to thirty wells producing from 25 to 100 inches constant output, or, that is, as constantly as the output is needed for use in irrigating the ranches on which the wells are located. Superintendent Hall in his letter says that Mr. Chandler's well to which he refers is situated about a mile from the nearest point on the school land. In point of fact, it is located, I believe, just half a mile from the nearest point on the school land, and I saw 100 inches constant flow being pumped from this well, and am told that they have so pumped it constantly for six weeks without lowering it an inch. The owner of this well offers to furnish water to the school at rates below any rates at which water for the same purpose can be obtained near Riverside, where it is proposed to move the school.

There is, however, no apparent reason why a well equally as good can not be obtained upon the land owned by the school. Superintendent Hall admits that at one time they had an excellent well there, which, he says, afterwards failed. I am informed by numbers of parties that the failure of the well is owing to the fact that it is not kept properly cleaned out. In fact, I believe that a portion of a broken pump is at the present time stuck in the well so as to retard the flow of the water. Responsible parties have offered to contract with the Government to sink a well upon the school land—they to receive the usual pay for the same if it should turn out a good producing well, and to receive nothing if it should prove a failure. There are wells near the school, and apparently situated upon the same water-bearing land underlying the school land, which have been pumped for years without any apparent diminution of the supply.

An electric plant is at the present time being constructed in the valley within a few miles of the school, with the idea of distributing electricity throughout the valley, to run motors for pumping purposes, and from the prices for power quoted by the projectors of this enterprise, it would appear quite possible for the school to secure sufficient power to pump from 50 to 100 inches of water constant flow out of a well sunk upon its grounds, at an expense of certainly not over \$100 per month. The buildings of the school are in excellent shape, judging from my own observation and from the reports of others. In this connection I would refer to a copy, which I send you, of a letter recently written by Mr. Rust, a former superintendent and a citizen of excellent standing in this community at the present time, to the Hon. Merrill E. Gates, in which Mr. Rust speaks of the result of a recent personal investigation on his part as to the condition of the buildings. I note that Mr. Hall, in his letter, refers to the buildings as being lathed and plastered on the outside, etc. This stucco construction is very common in this country. Indeed, many of our handsomest and most costly private and public buildings, residences, hotels, etc., have this construction, and it is regarded as being most successful and appropriate in this climate.

My observations showed me that the surroundings of the school indicated the greatest neglect in the practical business of running the same. I saw a field of alfalfa showing an excellent stand, but which had evidently not been irrigated for a long period and was suffering for that reason. Yet half a mile from this field and on precisely the same character and quality of land, so far as I was able to judge, was a field of as fine alfalfa as one would wish to see, made so by being regularly irrigated. I am reliably informed that the school is now purchasing forage for the ten or a dozen horses maintained on it. With the character of land owned by the school and the opportunity of obtaining irrigating water, either by purchasing the same at a very reasonable rate from parties who develop it near by or by getting the water from a well on the school land, there is absolutely no excuse for this condition of affairs. The 80 acres of school land should produce not only sufficient forage for the horses, but also enough to feed cattle for dairy and beef purposes, hogs, and poultry.

In addition to the benefit which the Government should receive from this system of management, it would also appear to be a valuable training in the duties of farm life to the inmates of the school. Both the boys and girls of the school could, if the land were properly managed, be taught valuable lessons in husbandry, dairying, horticulture, gardening, poultry raising, etc. So far as I am able to learn, there appears, however, no effort to do anything of this kind, and just what the Indians under the present management learn that will be of practical value to them when they are turned out upon the world, beyond the book education given them, I have not been able to comprehend. I am told that even in hauling coal for fuel, a distance of a mile and a half from the railroad station, neighboring farmers with wagons and teams are employed, whereas that work should certainly be done by the inmates of the school, having at their service several horses and, I suppose, vehicles for the purpose. I am also informed that the school gives the garbage and kitchen refuse to a farmer near by, who uses it in raising and fattening hogs which he afterwards sells in the form of pork to the school. This is certainly bad management, not to say bad husbandry.

I am informed that the present superintendent of the school estimates 80 inches of water as necessary for a complete supply for the school. The usual ratio of water per acre in this country is 1 inch of water for every 8 to 10 acres of fruits and 1 inch to every 2 to 4 acres for alfalfa. It would not be possible, in my judgment, for the superintendent to use over 40 inches of water at the school, and that much would by no possibility be necessary unless every acre of the land was under cultivation. With all the land under full cultivation in alfalfa, the crop requiring the largest amount of water, and the full complement of cattle, horses, and stock of all kinds for such a place, 40 inches of water would be entirely sufficient for all domestic and agricultural requirements of the school with the present number of inmates. This estimate is based upon absolute and positive information of the character of the soil and the requirements of the various crops.

In conclusion, I have to say from my personal observation and knowledge that in my judgment no better place for the Indian school could be found than it at present occupies, considered from the standpoints of moral surroundings, healthful climate, good soil, the possibility of obtaining a cheap and abundant supply of water, and, indeed, every feature which goes to make a desirable location for an institution of this kind.

I am unable to appreciate how the proposition to remove the school to the vicinity of Riverside, a considerable town, with the usual undesirable moral features of such a place, when considered in the light of a location for a school of Indian pupils, may be entertained for a moment. The school at the present time is surrounded by an agricultural community and miles away from any influences likely to be injurious to the pupils, and in a location best calculated, it appears to me, to surround the pupils with those influences most desirable for people of their kind and character.

I was asked to make these investigations by some people of my acquaintance who are familiar with the effort that is being made to move the school from its present location. I have not a dollar's interest in the matter, and I presume it is unnecessary for me to say to you that I have not received, and do not expect to receive, any compensation for the time spent in investigating the subject, other than the satisfaction of having made an effort to bring about what I believe to be right and just in this matter.

I have the honor to remain, very sincerely, yours,

T. E. GIBBON.

Hon. JAMES K. JONES,
United States Senate, Washington, D. C.

Mr. President, the writer of that letter is well known to me personally, and I have no doubt of the absolute truth of every statement made by him. But notwithstanding this, the statement is made that the 80 acres upon which this school is located, which were given to the Government some years ago and upon which the Government has erected buildings at a cost of \$25,000, is alkali land and is practically worthless; that it is surrounded by land practically waste; that the houses which have been built in the vicinity are abandoned, and that nobody is living there at all. These are statements which come in favor of the removal of the school.

Now, what the conferees have done is to provide that the school shall remain where it is for the present, and the Secretary of the Interior is authorized to look into and investigate the necessity for the establishment of a school at Riverside. I strongly believe that there is no occasion for any school at that place. It is a considerable town, and not a desirable location for an Indian school, especially if we propose to have a training school to teach the children to become useful citizens afterwards. They are only 15 miles from Riverside as the school now stands, and it seems to me they are close enough to it.

I deemed it fair to the Senate and to the Secretary of the Interior to give this statement, made by a man whose statements I believe are worthy of consideration, and who is on the other side of this question, so that when the Secretary comes to make up his mind as to whether with this money which we put in his hands, to be exercised in his discretion, he shall determine if another school shall be built at Riverside, he may determine it with some degree of discretion.

Mr. STEWART. This is about the worst case of conflicting testimony that has come under my observation.

Mr. JONES of Arkansas. Just one moment. I think it is due to Mr. Gibbon to state that I myself telegraphed him, asking him to make this investigation when these conflicting stories came out, and this letter is the response.

Mr. STEWART. Is the letter of the superintendent of the school in the hands of the chairman of the committee? I think that ought to go in in justice to him. This is a pretty severe arraignment of the superintendent, and I think his letter ought to go in and form an issue, and then we leave it to the Secretary of the Interior to investigate and determine the question. I think the superintendent's letter ought, in justice to all parties, to be published.

Mr. THURSTON. I will send down to my committee room for the letter and have it brought here, and I will ask to have it printed in the RECORD in connection with the letter just read by the Senator from Arkansas.

Mr. STEWART. They should be printed together, so that the Secretary of the Interior will have the whole case before him.

Mr. JONES of Arkansas. That being the case, I will add another letter that has come to me on the same subject.

Mr. PERKINS. The letter is from T. E. Gibbon?

The PRESIDING OFFICER. The Senator from California will suspend for a moment. The chairman of the Committee on Indian Affairs asks permission to insert a letter in the RECORD, which has been addressed to him, and the Senator from Arkansas also asks permission to insert a letter in the RECORD bearing upon this controversy. Is there objection? The Chair hears none.

Mr. THURSTON submitted the following letter:

DEPARTMENT OF THE INTERIOR, INDIAN SCHOOL SERVICE,
United States Indian School, Perris, Cal., April 12, 1900.

DEAR SIR: Referring to the change made by the Senate Indian Committee in the item of removal of this the Perris School to Riverside, etc., to that of the establishment of a new school at Riverside, which has passed the Senate, based upon a letter read to said committee by Dr. Merrill E. Gates, written by Harry Chandler, of Los Angeles, who owns land in this vicinity, said letter of Mr. Chandler's, among other things, saying that he will sell this school water at 30 cents per inch, and states further that an inch of water is 720 gallons continuous flow per minute, I would say that Mr. Chandler made a gross

and misleading statement, for an inch of water is not 720 gallons per minute, but is 540 gallons per hour, a tremendous difference.

Were Mr. Chandler in a position to furnish 540 gallons per hour per inch and give a bond to supply same for any reasonable length of time, the price of 30 cents per inch for 40 inches of water (540 per hour), the very least amount required for 80 acres of land, would cost the Government \$4,320 per annum; such enormous and exorbitant price would certainly preclude the purchase thereof.

I would respectfully say further that this land of Mr. Chandler's, upon which he very recently dug a well, is located about 1 mile from the nearest point of the school land, and the question of such well furnishing a continual flow by pumping is considered very uncertain. The Government has sunk a well upon this school farm to a depth of 416 feet, over two times as deep as any well in the whole Perris Valley, and said well is now practically a failure. At first it afforded a splendid flow of water, but after being used continuously the flow diminished until it furnished only 5 inches of water. This, I believe, will prove to be the case with Mr. Chandler's well.

Mr. Chandler and other nonresidents who own land hereabouts seem ready to make any kind of a proposition in order to retard legislation against the removal of this school. I will further say that the school land is the poorest in this section, being strongly impregnated with alkali, and is of such nature that it runs together like paint when wet, and when dry gets as hard as a rock. Even were it possible to get plenty of water we could not successfully raise even garden vegetables nor do anything whatever in the way of farming or teaching our pupils agricultural pursuits. We are compelled to buy all vegetables and fruit for the pupils, as well as grain and hay for cows and horses, and have done so for years. The few cows and horses that we are compelled to keep eat more than double their worth each year. No increase in stock can be allowed on account of the great expense to keep them. No income in any conceivable way is derived from the farm. The school is located upon a vast plain. A great many people in the neighborhood of the school have abandoned their farms and homes and gone elsewhere in order to make a living. We have no industrial surroundings nor benefits of civilization or its influence. A nonreservation school should have the best industrial influences; they should be real and constant. The only reason at all for nonreservation schools is on account of securing industrial influences and civilizing training.

The buildings that are here are old and worn; are lathed and plastered on the outside, penetrated by winter rains, and are in bad condition generally. All the plant combined cost about \$25,000 originally. To-day the plant is not worth \$5,000. The Assistant Commissioner of Indian Affairs and also National Superintendent of Indian Schools have visited this school and condemned the site and buildings in no uncertain terms.

I have had the record (formation of soil) of the school well examined by experts and they report that the water-bearing strata are too narrow to allow water of any considerable flow for any length of time. At present we barely secure sufficient water for domestic use and none whatever for irrigating purposes, not even for lawns, garden, or yard.

In view of these facts and for the benefit of the Indian youth of California, I would strongly urge and recommend that the item in the Indian appropriation bill be changed to read as it passed the House of Representatives, as the appropriation made year by year to continue this school upon its present and altogether unsuitable site should be given to the new school at Riverside, where all conditions, water in abundance at prices ranging from 5 to 15 cents per inch under the best water system in California, civilizing influences and interest generally are to be had.

It seems to me that it will be a waste of money to continue the school upon this site.

Very respectfully,

HARWOOD HALL, Superintendent.

Hon. JOHN M. THURSTON,
Chairman Committee on Indian Affairs,
United States Senate, Washington, D. C.

P. S.—I will add that I have written the above also to Hon. JAMES S. SHERMAN, chairman of the House Committee on Indian Affairs, and sent a copy of same to honorable Commissioner of Indian Affairs.

Mr. JONES of Arkansas submitted the following letter:

SOUTH PASADENA, CAL., May 10, 1900.

DEAR SIR: Since having read Superintendent Hall's letter regarding the worthless condition of the Indian school buildings at Perris I have visited the school and examined the buildings carefully. I found them in good condition generally. Superintendent Hall conducted our party through the buildings, and I looked carefully to find the leaky condition represented by Mr. Hall. I saw in one upper room a slight stain on the ceiling, indicating a leak in the roof, but nothing of recent date. The day before I made the examination 1½ inches of rain fell, the heaviest fall for months, and I expected to find greater evidences of the leaky condition.

In the kitchen, the one-story part, I saw that some two yards of plastering had fallen by reason of a leak around the chimney. I saw no evidence that any effort had been made to repair it. My experience tells me that I could repair it in a few hours.

I also saw in three places on the outside of the buildings where less than 4 yards of plastering had fallen. This was where some ornamental work had been done in lath and plaster above the first story, which is of brick and so situated that it would not admit the water to the inside of the building. No attempt at repair has been made on this, and these places were the only ones which seemed to need repair. I found the building in better condition than I expected, the whole structure standing unusually well.

Mr. Hook, of Perris, who was with me, asked Superintendent Hall if he did not consider the building good enough for an Indian school. He replied, "I do." I found the rooms all clean, tidy, and in good order, well ventilated, the ceilings all white and clean, the beds made and in order; a general condition reflecting credit upon the superintendent.

The pupils looked remarkably healthy and clean. The ornamental and fruit trees looked much better than I expected, still they showed a want of water and cultivation. I am sure that proper cultivation would have kept the place in much better condition.

I saw no evidence of good, thorough farming or cultivating, and having cultivated similar lands here for eighteen years, I think I know what is needed.

In this country thorough cultivating does much to preserve and retain moisture, and with it the school lands will not bake as represented.

I was told that the main well produced only 5 inches of water, the second well only producing enough for domestic purposes. I know by experience this amount of water, properly utilized, would give all the vegetables needed for the school. The sewage should all be utilized and some alfalfa grown.

We are told that want of water forbids cultivating and producing crops, and the soil is bad. I think the superintendent is mistaken, for, having cultivated a similar soil here for eighteen years, I know that 80 acres is—every acre—a fine, rich, easily cultivated land, upon which nearly all crops may be raised to advantage.

I was told that the hay and grain for the horses and cows was all pur-

chased, that no hogs are kept on the place, that the cabbage is given away, that no vegetables were grown for the table except onions, which Superintendent Hall told me did well. I am sure I could raise most of the vegetables we use when onions will grow. I am confident that a good farmer can grow on that land, with what water they have, all the vegetables needed for the school, but it will require intelligent effort and is one of the lessons the pupils ought to learn. To do this a good farmer is necessary, and I believe that those pupils—Indian boys and girls—should be taught to use and properly care for the domestic animals and poultry, to grow all crops and harvest the same, to plant and care for a garden, and to do all domestic duties, so that they can find employment upon the farms and in the homes of white men.

Instead of this I could not learn from any source that any such competent help had been sent out from the school. Instead, I saw some one hundred and fifty well-dressed young Indians being educated, fed, and clothed by the Government, far better cared for than a large majority of the young white people in the country.

That more water is needed I have no doubt; that it can be had at a reasonable cost I am confident. Before putting up the school buildings I sunk a well upon the premises and found a water-bearing gravel at about 50 feet. This satisfied me that water could be had. Another well has been sunk which produces about 5 inches. Later a large amount of water has been discovered and developed in the vicinity. Mr. Johnson, who lives 120 rods south of the school, tells me that he sunk a well 93 feet deep and 11 inches in diameter, passing through 32 feet of water-bearing gravel, and the water now stands 36 feet below the surface. He has not yet put in a pump.

Mr. Newport, whose lands join the school lands on the east section, has two wells within 1 mile, and told me that he could guarantee to the Government that they should get all the water needed by sinking a well; and Mr. Newport owns many thousand acres in the valley, and is perfectly responsible. Others are ready to do the same.

I hope, dear sir, that you will use your influence to have a responsible man examine this land and building and make his report before those buildings are abandoned. I am confident that there is no good reason for abandoning this valley. I have no doubt another school can be sustained and pupils be found glad to be supported as these are, but I do want to see this school properly conducted and a practical farmer employed. I think Superintendent Hall's influence is bad in teaching these pupils that they need city life for their education. I would teach them to be laborers and producers. The accompanying map will show you where the principal wells in the vicinity of the school are located. The statement by the citizens of Perris, I think, will verify my statements.

Truly, yours,

HORATIO N. RUST.

Hon. MERRILL E. GATES,
Secretary of Indian Commission, Washington, D. C.

Mr. PERKINS. Mr. President—

Mr. JONES of Arkansas. T. E. Gibbon is the name.

Mr. PERKINS. I simply want to say that the gentleman who has written the letter to the Senator from Arkansas is also personally well known to me, and I have every reason to agree with my friend from Arkansas that his statement is an unbiased statement of the facts as they exist, although, as the Senator from Nevada has said, they are at great variance with the statements of the superintendent of the school and others which have been presented here to us.

However, I wish to say on the part of my colleague and myself, who have the honor to represent this Indian reservation and this school for the education of the untutored children of the desert plains, this conference report meets our approval. It leaves the whole matter in the hands of the Secretary of the Interior as to the advisability of removing the school or permitting the school to remain and establishing another at Riverside. Therefore I hope the report will be concurred in by the Senate.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

Mr. PETTIGREW. Mr. President, I desire to examine this report, and therefore I wish to have it printed and lie over until to-morrow in order to give an opportunity to see what the conferees have done.

The PRESIDING OFFICER. The Senator from South Dakota asks that the conference report be printed and lie over until to-morrow. Does he desire to have it printed separately?

Mr. PETTIGREW. No; just printed in the RECORD; I think that is sufficient.

The PRESIDING OFFICER. It has already gone in the RECORD, and there is no further printing required.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on the District of Columbia:

A bill (H. R. 8498) to amend an act entitled "An act to authorize the reassessment of water-main taxes in the District of Columbia, and for other purposes," approved July 8, 1898;

A bill (H. R. 8665) authorizing and requiring the Metropolitan Railroad Company to extend its lines on old Sixteenth street;

A bill (H. R. 10740) to regulate the grades of Twentieth street, and for other purposes;

A bill (H. R. 11326) to regulate the collection of taxes in the District of Columbia; and

A bill (H. R. 11650) relating to certain railway corporations owning or operating street railways in the District of Columbia.

The bill (H. R. 5711) extending the term of patent No. 287230 was read twice by its title, and referred to the Committee on Patents.

MARGARET M. BADGER.

The PRESIDING OFFICER laid before the Senate the bill (S. 1006) granting an increase of pension to Margaret M. Badger,

returned from the House of Representatives in compliance with the request of the Senate.

Mr. GALLINGER. Mr. President, by way of explanation, so that the claimant under this bill may not be disturbed, I will state that the Senate passed a bill in behalf of the beneficiary. The House also passed a bill of its own. When the House bill came here the Senate committee took it up and reported it, and that bill was passed and will undoubtedly soon become a law, so that this bill may be indefinitely postponed. I move to reconsider the votes by which the bill was ordered to a third reading and passed.

The motion to reconsider was agreed to.

Mr. GALLINGER. I move that the bill be indefinitely postponed.

The motion was agreed to.

GOVERNMENT OF THE PHILIPPINE ISLANDS.

Mr. LODGE. I move that the Senate proceed to the consideration of the bill (S. 2355) in relation to the suppression of insurrection in, and to the government of, the Philippine Islands, ceded by Spain to the United States by the treaty concluded at Paris on the 10th day of December, 1898.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Massachusetts.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill.

Mr. PETTIGREW. I offer an amendment to the bill which I should like to have printed and pending. I ask that it be read, printed, and lie on the table.

The PRESIDING OFFICER. The amendment will be read.

The SECRETARY. Strike out all after the enacting clause and insert:

That all hostile demonstrations on the part of the armed forces of the United States in the Philippine Islands shall at once cease, and that we offer to the people of said islands self-government, based upon the principles of our Constitution and the Declaration of Independence, and that negotiation on this basis be at once opened with the existing native government for a settlement of all differences, with a view to the speedy withdrawal of our armed forces, and that full authority is vested in the President of the United States to carry out the provisions of this act.

The PRESIDING OFFICER. The Chair understands that the Senator from Alabama [Mr. MORGAN] on the 12th day of April proposed an amendment to the bill. At any rate, he gave notice of an amendment proposed to be offered, and the Chair is informed that he stated at the time that he wished it should be considered as the pending amendment to the bill.

Mr. MORGAN. I offered that amendment.

The PRESIDING OFFICER. If that be so, the Senator from South Dakota will offer his amendment as one intended to be proposed to the bill, and it will be printed.

Mr. LODGE. It is to be printed and lie on the table for the present.

Mr. PETTIGREW. Certainly. That is the parliamentary status of my amendment. It is simply to be printed and lie on the table, and I shall call it up at the proper time.

PUBLIC BUILDING AT GRAND JUNCTION, COLO.

Mr. WOLCOTT. The Senator from Wisconsin [Mr. SPOONER] who has the floor has kindly yielded to me for a moment as I shall be called from the Chamber for the rest of the day. I ask unanimous consent that a very short bill for a public building may be considered. It is Senate bill 2868. It will take but a moment.

The Secretary read the bill (S. 2868) to provide for the purchase of a site and the erection of a building thereon at Grand Junction, in the State of Colorado; and, by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on Public Buildings and Grounds with amendments.

The first amendment was, on page 1, line 7, after the word "apparatus," to strike out "elevators;" in line 11, after the word "apparatus," to strike out "elevators;" and on page 2, line 1, before the word "thousand," to strike out "seventy-five" and insert "one hundred and twenty;" so as to make the clause read:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire, by purchase, condemnation, or otherwise, a site, and cause to be erected thereon a suitable building, including fireproof vaults, heating and ventilating apparatus, and approaches, for the use and accommodation of the United States post-office and other Government offices in the city of Grand Junction and State of Colorado, the cost of said site and building, including said vaults, heating and ventilating apparatus, and approaches, complete, not to exceed the sum of \$120,000.

The amendment was agreed to.

The next amendment was, on page 3, to strike out lines 15 to 22, inclusive, in the following words:

No money shall be used for the purpose mentioned until a valid title to the site of said building shall be vested in the United States, nor until the State of Colorado shall have ceded to the United States exclusive jurisdiction over the same during the time the United States shall be or remain the owner thereof, for all purposes except the administration of the criminal laws of said State and the service of civil process therein.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CLAIMS ARISING DURING THE WAR WITH SPAIN.

Mr. SPOONER. Mr. President—

Mr. TILLMAN. Will the Senator from Wisconsin kindly yield to me to have a bill passed that will take no time?

Mr. LODGE. The Senator from Wisconsin has been waiting some time to speak. It seems to me he ought to be allowed to proceed now.

Mr. SPOONER. I agreed to yield to the Senator from South Carolina.

Mr. TILLMAN. I thought the Senator from Wisconsin was perfectly able to take care of himself without the assistance of the Senator from Massachusetts.

Mr. SPOONER. I yield to the Senator.

Mr. TILLMAN. I do not see why the Senator from Massachusetts should interpose.

Mr. LODGE. I make no objection to this bill, but I shall object to any further requests at this time. I made no objection.

Mr. TILLMAN. I know you did not.

I ask leave to call up the bill (S. 3763) to authorize the Secretary of War to cause to be investigated and to provide for the payment of all just claims against the United States for private property taken and used in the military service within the limits of the United States during the war with Spain.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. CHANDLER. Mr. President, I object.

The PRESIDING OFFICER. The Senator from New Hampshire objects.

GOVERNMENT OF THE PHILIPPINE ISLANDS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2355) in relation to the suppression of insurrection in, and to the government of, the Philippine Islands, ceded by Spain to the United States by the treaty concluded at Paris on the 10th day of December, 1898.

Mr. SPOONER. Mr. President, I have not recovered from the ailment which detained me from the Senate yesterday, and I am anxious to be through at the earliest possible moment. I ask leave of the Senate to have incorporated, without reading, in my remarks, some extracts from official documents, which will save me and save the Senate time.

The PRESIDING OFFICER. The Senator from Wisconsin asks permission, as he proceeds with his speech, to incorporate in it, without reading, extracts from official documents, which will be stated by him at the time. Is there objection? The Chair hears none.

Mr. SPOONER. Mr. President, I am impelled to address the Senate upon this measure, which is the unfinished business, partly because I took the responsibility of introducing it, and owe it to myself to state with frankness the reasons which led me to do so.

The Senator from Massachusetts [Mr. LODGE] has addressed the Senate upon it in a speech which was very masterful and very eloquent and beautiful, with most of which I agree. I wish to consider the subject upon somewhat different and in some respects less radical lines.

I suppose, Mr. President, it will be admitted that had there been no war with Spain and she had tendered to us "without money and without price" a cession of the Philippine Archipelago and a treaty accepting that cession had been transmitted to the Senate for its action, it would have received hardly a vote in this body and would have proved entirely unattractive to the great body of our people. The suggestion in advocacy of it that we are "Trustee" to lead the nations of the earth in the work of civilization would not have been at all persuasive.

The quick and sufficient answer to that would have been that, while this is a missionary people, this is not and can not become a missionary Government, and that it is not our function, philanthropic as we may be and as this people is, that their Government shall police the world, seeking for people oppressed, living in the darkness of ignorance and half civilization, in order to uplift them.

It would have been said that we have problems of our own to solve, some of them complicated, all of them important, and that the first duty of this Government, trustee of our people, is to subserve the interests of our people, to develop the illimitable resources of this continent, to spread the blessings of education among the people, to give to the country equal laws, and to lift up as far as may be all here who are oppressed. If it had been said that the islands are full of mineral wealth, of untold richness in soil, and of unspeakable beauty, that would have produced no effect in this Chamber.

Our people would not have harbored the thought of going into distant seas and taking archipelagoes of alien people because of the richness of the islands. I can conceive of no argument in

favor of the acceptance of such a proposition which would have found much, if any, favor here or in the country.

There would have been found no lust of empire among us; nor is there now, in my opinion, in the sense in which that term is now used in this body and in the country by certain distinguished gentlemen.

But, Mr. President, when the treaty of Paris was sent to the Senate, containing, as it did, a cession of the Philippine Archipelago to us, it came, not as a simple proposition of purchase in time of peace, but it came to us environed by the complications of war and as one of the fruits of war. The debate did not ignore that. We had gone to war with Spain, a war the like of which in its inspiration the whole world never before saw.

No people ever can give to the world higher evidence, Mr. President, of devotion to liberty than the people of the United States gave when they demanded the withdrawal of Spain from Cuba, and resorted to war to enforce that demand. Admiral Dewey, long before that treaty of cession came to us, had destroyed the Spanish fleet in Manila Bay, and made for himself in a day a fame which can never fade. Our troops in Cuba, bearing themselves with the utmost heroism, had forced the capitulation of Santiago, and Sampson and Schley had sent to the bottom the prize fleet of Spain under command of Cervera.

Something more had happened, Mr. President. Admiral Dewey had called for troops to be sent to Manila, and they had been sent. They were not sent to defend the fleet, and everyone knew it. They were sent to capture and hold Manila, and everyone knew it. Admiral Dewey could have forced in a day the surrender of Manila, but he had not the troops with which to hold it. There are men who have regretted that troops were sent to Manila. Was any voice raised in this Chamber or in this country against the sending of soldiers to Manila?

I remember very well some criticism of the President that they were not sent with sufficient alacrity; but I never heard a lip of objection to their being sent to Manila. When the Paris treaty came before us for ratification, Manila had been captured with 13,000 Spanish troops and their arms, and the soldiers of the United States held that city and its suburbs.

I did not myself take at all kindly to the acquisition under its provisions of the Philippine Archipelago. There was a time when, if it had come to a vote, I would not have been willing to vote for it.

I stated to the Senate while that treaty was pending, and I restate it now in a word, that, facing each of the alternatives which presented themselves to the President, I could not see how he could have done any other thing than to demand the incorporation in that treaty of a cession to us of the Philippine Archipelago. Several alternatives were open to us. I shall not spend much time upon this. One was to leave the Philippine Archipelago with Spain; to omit it from the treaty. I felt obliged to reject that alternative.

I could not see then, nor have I ever been able to see since, how the President could have concluded, under the circumstances, a treaty of peace with Spain which did not contain a cession of the Philippine Archipelago. All with whom I have spoken upon the subject have said to me—and it was the sentiment of our country, and it had no lust of empire in it—whatever else is done about the Philippine Archipelago, that people must not be left under the tyranny of Spain. That sentiment pervaded this entire people. Am I wrong about that?

Mr. President, our people had been inexpressibly shocked by the unspeakable cruelties perpetrated by Spain in Cuba. No one will soon forget the black days of the reconcentrado period. No one will soon forget the stories, not overtold—impossible to overtell—of the tyranny, the wickedness, and the awful savagery of Spain in Cuba. Our people, not choosing to consider a cause of war existing in their own behalf, sustained the Congress and sustained the President in going into a war to snatch the island of Cuba and her people from that thralldom.

It was hardly to be expected, Mr. President, after our Navy had broken the power of Spain in both seas, and after Spain had applied for a suspension of hostilities with a view to a treaty of peace, that a people who, without cause of war which it chose to enforce on its own behalf, had poured out its treasure and the blood of its sons for the liberty of another people alien to them, because of cruelty and oppression which could not longer be tolerated, would be willing that in the end of that struggle another people, vastly greater in number, who had also been subject to the same tyranny, should be left in the hands of Spain. *By the fortunes of war we were there.*

It would have seemed to the world, many of us thought, that we had carried our flag of liberty to the mountain top, where all the world could see it, and then, afraid to meet responsibility, shuddering from duty, had incontinently run with it into the valley below, where no man could see it or would wish to see it.

It has been thought that if all mention of the Philippines had been omitted from the treaty, Spain never could have retaken

those islands. Mr. President, I have never believed that. I have had no doubt myself that Spain would have resumed her sway in the Philippine Archipelago. I have never seen any reason to doubt it. First, it must be remembered that we had sent back to Spain 142,000 soldiers, with their arms. Spain, no longer involved in Cuba or in Porto Rico; Spain, vanquished by us, but proud and haughty, would not have been willing to abandon the last of her possessions—that one in the Pacific seas.

We would have been obliged in honor to march our troops out of Manila and to allow the troops of Spain, in such numbers as she chose, to occupy the city. Spain then had a navy free. Many of the nations of the world sympathized with her. They all would have preferred her retention of the Philippines to strife among themselves for their possession, as there would have been.

The holders of Spanish bonds all over Europe, based upon a hypothecation of the revenues of Cuba, Porto Rico, and possibly the Philippines, would have been eager to furnish the money, for obvious reasons, to enable Spain to retain her great Pacific possession, and with her fleet and her troops she would, with comparative ease, have resumed her sway in the Philippines.

We could not do that, we thought; and there was not a man in the Senate then, nor is there one here now, I take it, who would have been willing that all mention of the Philippines should have been omitted from that treaty.

Even Aguinaldo contemplated the possibility that the treaty might leave the Philippines with Spain, and the certainty that Spain would attempt to resume her sovereignty there. In his letter of August 21, 1898, to the commanding officer of our forces, in reply to the demand that he withdraw his forces from Manila, he stated thus one of the conditions of such withdrawal:

They also (referring to the Filipinos) desire that if in consequence of the treaty of peace which may be concluded between the United States of America and Spain the Philippines should continue under the domination of the latter, the American forces should give up all the suburbs to the Filipinos, in consideration of the cooperation lent by the latter in the capture of Manila.

In reply to this he was informed that in the event of the United States withdrawing from these islands care would be taken to leave him in as advantageous position as he was found by the forces of the Government.

It has been said that we should have demanded of Spain that she relinquish sovereignty over the Philippines, as she did over Cuba. That could not be expected of her. It would have been a demand to which Spain, even in her overthrow and in her poverty, could not have yielded.

Spain might very well say to us, "We relinquish our title to Cuba; that was the cause of the war; that was your demand at the outset, coupled with a declaration that you would not acquire Cuba; we will cede to you Porto Rico; and while we will, if it is exacted, cede to you the Philippines, you have no right to demand of us, you not wanting them, you not willing to take the burden of them, you not willing to safeguard them, that we quitclaim them to the world, purely in the interest of your philanthropy and of your vaunted love of liberty."

She would have said to us, "You have no interest in the Philippines; you have never been in the Philippines except during this war; the Philippines or their people had no relation to the inception of the war; you are there only by the accident of war; you have no property interests there; you allege no violated treaties with reference to the Philippines, and you have no foundation upon which a nation, victorious in war, dealing justly with a defeated antagonist, can demand, simply for reasons of sentimentality, our relinquishment of title and sovereignty over this last great possession, as we agreed in the protocol and agree in the treaty to do as to Cuba."

Mr. President, it was thought by many, too, that that would have left them, if Spain had been willing to relinquish the Philippines, we not taking them to a strife among the nations for their possession; and, more than that, to an internecine strife among the many tribes of different characteristics, of different grades of civilization, which would have shocked the world.

So I thought that the treaty ought to be ratified. I voted for its ratification, containing, as it did, the cession of Porto Rico and of the Philippine Archipelago to the United States. I said at the time, Mr. President, that if, in my judgment, it committed the country to permanent dominion in the Philippines, I would not vote for its ratification.

Mr. President, it was, and is still, insisted and eloquently argued that the treaty should have been so amended that by its terms we should sustain the same relation to the Philippines which we do as to Cuba. If Spain could have been brought to consent to it, which there is no good reason to believe, subsequent events have made plain the absolute impossibility of our successfully sustaining the same relation to the Filipinos that we sustain as to Cuba.

Cuba is near at hand, with a small population, comparatively, who knew us, believed in us, and were grateful to us. Spain had

surrendered Cuba and her cities to us, and we were military occupants.

The Philippines are 7,000 miles away, with a population of eight or ten millions of many tribes, strangers to us, easily prejudiced against us, with an alleged government really hostile to us, as I will show. *Even under cession of title and sovereignty* we have not been able to avert attack and hostility *begun before ratification of the treaty.*

It is idle now to suppose that Aguinaldo would have consented to our doing in the Philippines what we are doing and will do in Cuba in the way of establishing a stable government. With no cession of the archipelago, and with the hostility of the Tagolos, we should have been obliged to use force, *without even claim of title or sovereignty*; remain only in Manila, or withdraw from the islands. What many of us thought then has been abundantly demonstrated since.

We had taken Manila. That was a complication not to be overlooked. The Spaniards had gone back to the mother country, and when we drove the Spaniards out of Manila, when our soldiers marched into that city and the flag of the United States floated over it, what did it mean? It meant that we had driven out the power which protected the inhabitants of that city, and had taken upon ourselves the duty of protecting its inhabitants; and there never has been a day since the 13th day of August, when Manila was captured—and I say it without fear of successful contradiction—when the United States, without cowardice and absolute dishonor, could have withdrawn her troops from Manila and sailed away.

Many of us thought so when we voted upon the treaty. We know it now, Mr. President. The Senator from Massachusetts [Mr. LODGE] referred to it in his speech. Aguinaldo's secretary of the interior, who was also a member of his staff, issued a proclamation or order calling on the Filipinos in Manila and elsewhere to join in the massacre of every foreigner. It was dated February 15, 1899.

Here is the second clause of the order, Mr. President. Men who talk about civilization over there, who draw parallels between the greatest leaders for liberty in history and some of the half-caste leaders in the Philippines, who have seemed to exult sometimes in coupling with the name of Aguinaldo the name of Washington, can find no comfort in this production:

2. Philippine families *only* will be respected. They should not be molested; but *all other individuals of whatever race* they may be will be exterminated without any compassion after the extermination of the army of occupation.

That is not simply the father. It is the mother, the wife, the sons, and the daughters. It is those of mature years and the little ones—the family.

Was ever anything worse than that? And who made this order? Teodoro Sandico. Who was he? One of the men closest to Aguinaldo; a member of the junta in Hongkong, present at the meeting of the junta on May 5, and largely governing its deliberations by his ability and his will; one of the thirteen chosen by Aguinaldo to accompany him to Manila; secretary of the interior, and a staff officer; one of the three men whom one of our consuls mentioned in his correspondence—Aguinaldo, Agoncillo, and Sandico—as men of great ability who would be leaders anywhere, in any affair.

And when Senators introduce the proposition to withdraw our Army now from Manila, with Englishmen there, with Germans there, with Spaniards there, with Hollanders there, with Frenchmen there, and Americans there, with their wives, and their children, and their property, and with friendly Filipinos there, against whom vengeance has been sworn, Mr. President, they make a proposition which in the end they themselves would hesitate to adopt.

Mr. PETTIGREW. I should like to ask the Senator what proof he has of the verity of this order?

Mr. SPOONER. What proof has the Senator of the verity of the immense number of things he has uttered on the floor of the Senate? I have the same. It was sent here. Where did the Senator from Massachusetts get this?

Mr. LODGE. It is in the official report of General Otis. It was published.

Mr. PETTIGREW. I say now that Sandico never issued the order, and that they can not produce any proof of it, and that it was got up for the purpose of influencing the people of this country.

Mr. DAVIS. I should like to say that I applied to the War Department six months ago for a copy of that order, having read about it in the papers, and received that as an authenticated verity.

Mr. PETTIGREW. I say to the Senate Sandico never issued it.

Mr. DAVIS. How do you know?

Mr. SPOONER. Did Sandico tell you?

Mr. PETTIGREW. When an order of that sort is produced here, some proof of it ought to be produced. What I say is this: My proof is good as to that. That order was issued by the parties in Manila who are in the habit of issuing orders of that sort, even under Spanish rule, for the purpose of prejudicing the case of the

insurgents, and that no proof of it can be produced that it emanated from Sandico. The simple fact that it was sent here from the War Department is no evidence.

Mr. SPOONER. I have seen a cablegram to Manila asking who issued this order and one replying that it was Teodoro Sandico.

Mr. PETTIGREW. That is no proof that Sandico issued it. I deny it and I dispute it, and you can not bring the proof.

Mr. SPOONER. The trouble with the Senator is that everybody is a liar who does not help make a case against this Government. [Applause in the galleries.]

Mr. PETTIGREW. That will not answer. Until the proof is produced that Sandico issued that order it has no business here, and there is no such proof.

Mr. SPOONER. Well, it is here and it will stay here. [Applause in the galleries.]

The PRESIDING OFFICER. The Senator from Wisconsin will suspend for a moment. There must not be applause in the galleries.

Mr. ALLEN. I ask that the rules of the Senate be enforced, and that if manifestations of approval or disapproval are repeated, the galleries be cleared.

The PRESIDING OFFICER. The rules of the Senate require that there shall be no applause in the galleries, and if it is insisted on the galleries must be cleared. The Chair trusts that the rules will be observed.

Mr. SPOONER. I shall read extracts from a number of papers. If the Senator calls upon me for what in court would be evidence of authenticity, I can not give it, any more than I suppose the Senator can make original proof of many of the statements which he has made here and which undoubtedly he believes.

Mr. PETTIGREW. I will say that so far as the statements I made are concerned I brought the proof from the official record.

Mr. SPOONER. What record?

Mr. PETTIGREW. Document 62, transmitted to us by the President.

Mr. SPOONER. What proof?

Mr. PETTIGREW. That was good proof as against the Administration, but it is not good proof as against the insurgents, where there is no other evidence. Simply the transmission of the statement is not good proof.

Mr. SPOONER. I had supposed until now that an official report of General Otis was an official document. Am I wrong about that?

Mr. PETTIGREW. Does the Senator ask me the question?

Mr. SPOONER. Any way.

Mr. PETTIGREW. It would be Otis's official report, but then when Otis undertakes to say that somebody else did something, he may believe it, but that is not proof that the other person did it.

Mr. SPOONER. No?

Mr. PETTIGREW. That is the point.

Mr. SPOONER. That is on the basis of the man—

Mr. PETTIGREW. But further than that, in General Otis's reports we get fragments of the truth, a censored press, withheld information, which gives a false coloring to the facts; and for proof of that I refer to the statement signed by the Associated Press correspondents and the correspondents of all the newspapers last year, which is conclusive. It has not been denied.

Mr. SPOONER. Conclusive of what?

Mr. PETTIGREW. Conclusive that Otis did not give us the full facts; that the reports do not cover the whole ground, and that they are garbled statements of the truth.

Mr. SPOONER. That was a very interesting observation the first time I heard it, for I have heard the Senator say that a great many times.

I think that General Otis, in command over there, would have very much better facilities for ascertaining accurately the truth than the Senator from South Dakota, and, so far as I am concerned in this discussion, I take as prima facie established statements in the official documents of this Government, and when General Otis embodies this order in a report of his and when upon a cablegram he furnishes the name of its author, I take the liberty of believing it and of asserting it. The fact that this is official puts the burden of proof upon the Senator. His facilities for obtaining accurate information over there may be better than those of General Otis, but I think not.

All I read that order for is to show that when men glibly talk about withdrawing our Army from the Philippines they forget that we have a solemn duty to discharge there in the protection of the people of that city, and they make a proposition which even in the heat of a Presidential election can never meet the commendation of the American people when they stop to consider it.

Mr. President, I do not intend to spend time in discussing the power of this Government to accept the cession of the Philippines. I discussed that in the speech which I submitted upon the treaty. That we have the power to make war and to make peace is admitted. That we have the power, in making a treaty of peace to accept as indemnity from a conquered government territory,

inhabited or uninhabited, has been settled by the Supreme Court of the United States and has been established by the practice of the Government from the beginning.

If it were otherwise, if there were no such provisions in the Constitution as the war-making, the treaty-making power, the fact that the framers of this Government created a nation carries with it all the elements of sovereignty and all of the elements of national power which inhere in national sovereignty anywhere, unless by some part of our Constitution it is apparent that those powers were intended not to exist. I certainly do not find the limitations contended for.

It has been said that this was not a conquest, and a letter from Judge Day, written to some person last fall, was cited by one Senator, in which it was stated that it was not a conquest, but was a purchase. Mr. President, if anything could be plain in the use of the English language it is plain from the protocols, printed and laid before the Senate, that the United States demanded a cession of the Philippines, and that it was yielded to by Spain under protest as a conquered power.

I have the profoundest respect for Judge Day. He is a man of very great ability, a man whose opportunities for accurate knowledge upon the subject are better than mine, of course, but I can read the protocols; I know the history so far as the world knows it; I know the attitude of some of his confreres; and I am not willing to accept the proposition that the acquisition of the Philippines was a mere purchase, just as if we had not emerged from a war, and as if this were a treaty of purchase instead of being a treaty of peace. Spain did not willingly part with that last jewel in her crown which had shone there for three hundred and fifty years. It was exacted as indemnity, as California was, and became a "ceded conquest."

Mr. President, it has been said and argued with much of spirit and elaboration that we had no power to take the Philippine Archipelago without the consent of the inhabitants. If anything is settled in international law, I think it is settled and must be settled that the doctrine of "the consent of the governed" can not be made applicable to inhabited territory exacted from a conquered power at the end of a war.

Mr. Hall, who is one of the ablest writers on international law, says:

The principle that the wishes of the population are to be consulted when the territory which they inhabit is ceded has not yet been adopted into international law, and can not be adopted into it until title by conquest has disappeared.

If that were not true, no Territorial indemnity could ever be exacted at the end of a war, if it were inhabited, without first obtaining the consent of the inhabitants, subjects of the conquered power, bound to them by association and ties of different kinds. It would be very easy to defeat the demand for indemnity if the inhabitants were induced to object. No other government ever has held to that doctrine, nor has ours; and I maintain that the founders of this Government did not intend that in the essential matter of national and international power it should be below the other governments of the earth.

Much has been said about the Declaration of Independence, especial reference being had to these phrases:

We hold these truths to be self-evident, that all men are created equal; that they are endowed by their Creator with certain unalienable rights; that among these are life, liberty, and the pursuit of happiness. That to secure these rights governments are instituted among men, deriving their just powers from the consent of the governed.

Veneration for the Declaration is universal in this country. Our people have been taught from boyhood to revere it. I am not willing that those of us who do not find in anything there written obstruction to the performance of what we consider a national duty should be charged, without denial, with abandonment of its principles. I can not spend much time upon it. Certainly no phrase in it is of more importance than the assertion that "All men are created equal."

That this is abstractly true I do not deny. That it ever has been capable in any country, under any government, of literal application or fulfillment no one will assert. That it were universally true all good men wish. That it ever will be universally true under government conducted by men the most optimistic dare not hope. In few countries has it been less true than in this Republic. In some countries it is quite as true in the practical affairs of life and government as it is in our own.

It is not easy to forget that the man who penned those words was at the time he wrote them himself the owner of men and women and children. True, his mind revolted against the ownership of human beings by human beings, and later he manumitted his slaves. By his own conduct he construed this declaration as we all believe it, but he could not enforce his construction of it among his countrymen.

Some of the men who adopted the Declaration of Independence with that clause in it framed the Constitution of the United States, and in that Constitution was a recognition of human slavery; not only that, but a clause the purpose of which was

solely to protect human slavery, a clause which the Supreme Court of the United States held to sustain the fugitive-slave law, making slave hunters of men whose souls revolted not only from that function but from the institution itself; a Constitution under the operation of which for seventy-five years millions of people—and I do not utter this in any spirit of partisanship—were held in shackles; every tie which binds a man to wife, to child, to home, possible to be broken; the wife sold away from the husband, the husband sold away from the wife; the daughter, the pet and pride of the cabin, sold to the arms of a brute; the little toddling infant the idol of the mother's heart, the light of the little plain home, no right there, there by the sufferance of an owner; and all that was lawful under the Constitution of the United States interpreted by the Declaration of Independence.

To enlarge the application of the declared equality among men required at the end of three-quarters of a century, a dreadful strife between brothers and friends, an immeasurable sacrifice of life and happiness and treasure, and all in violation, as they thought, of that clause of the Declaration, "Governments * * * instituted among men, deriving their just powers from the consent of the governed."

For, Mr. President, I think the Senator from South Dakota [Mr. McCUMBER] was accurate in his statement the other day that the rebellion against the Federal Government was necessarily based primarily upon this doctrine, "the consent of the governed," involving also, secondarily, the question whether the people of the revolting States had not disabled themselves from withdrawing from a Union to whose government they objected, that they might establish one for themselves which would "derive its just powers from the consent of the governed."

Mr. TILLMAN. I had always supposed that the civil war grew out of the difference of construction as to whether the Constitution was a compact between confederated States or whether it was a Union of States that was inseparable under any conditions; in other words, whether we were a confederacy or a nation.

Mr. SPOONER. In one way that was involved in it.

Mr. TILLMAN. Was not that the only issue involved?

Mr. SPOONER. No, sir.

Mr. TILLMAN. Of course slavery—

Mr. SPOONER. If we had been governing you with your consent, the question never would have arisen. It was because the South thought—most of them thought—that there was a purpose on the part of the people of the North to invade the rights of the States, to interfere with your domestic affairs, which justified you in revolution, which led your people to say, "We can not be governed under this Constitution or as members of the Union any more." Then arose the question whether the Constitution stood in the way of your assertion of that right of revolution—in other words, of your withdrawal of a consent to be governed any longer under the Constitution by the Federal Government.

Mr. TILLMAN. The seed of war was sown with the Constitution when it was adopted, for the reason that the contention on the part of the South of the rights of the States had led to nullification thirty years before the war in the assertion of the right of a State not to be governed against its will in certain things by the Federal Government.

Mr. SPOONER. Oh, Mr. President, the seed of war was sown in the Constitution. I am not disposed to disagree with the Senator about that. It was sown in the Constitution, I have always thought, when political power was given to the owners of human property, and when there was put into the hearts and purpose of a part of our people the motive to enlarge the ownership of that property, to increase it, and to multiply it, thereby under the Constitution acquiring greater power in the electoral college and in the House of Representatives.

Mr. TILLMAN. This is a bootless discussion—

Mr. SPOONER. Yes.

Mr. TILLMAN. And I would not have entered into it but for the fact that the Senator turned to me and in a manner somewhat personal made some allusion.

Mr. SPOONER. I do not think the Senator ought to blame me for turning to him. He is a very attractive man.

Mr. TILLMAN. I thank the Senator.

Mr. SPOONER. But I did not—

Mr. TILLMAN. Just one other thought, and then I will get out of the Senator's way, if he objects. There never would have been any Constitution or any Union of States but for the recognition of those very things which the Senator says were put in there for other purposes. The Southern States, after they had gained their independence from Great Britain, never would have consented to ratify the Constitution or to join the Union but for the recognition of that property which had been sent South by the Northern people after it had become of very little use there. We will not go back to those old matters, though.

Mr. SPOONER. I want to have an understanding with the Senator from South Carolina that when I look at him accidentally it does not involve a challenge.

Mr. TILLMAN. Well, if the Senator would not allude to something I have already discussed here somewhat—I would say to the displeasure of the Senator from Wisconsin—I would not have entered into this matter at all. I know that it is useless for us to go over all those old questions. We are face to face with what we are to do in the Philippines and how we are to get rid of this war.

Mr. SPOONER. It is a fact, Mr. President, that by a long and bloody war we forced them to remain under a government against their consent, to which, thank God, now, I believe, they give universal consent, as they give unquestioned loyalty.

These abstract propositions of the Declaration, as I have said on another occasion, were asserted as justification for revolution, and it has often happened, and will often happen, that their wider and juster application in the practical affairs of this world can only be brought about and secured through years of agitation and unrest and sometimes through years of bloodshed and strife. But I can not dwell longer upon this.

Time has shown that the President was right, I think, in not contenting himself in negotiating the treaty, as I thought at one time he should have been, with taking a cession of Manila. It has been abundantly demonstrated that we could not have held Manila without great trouble, it being the capital of the Philippine Archipelago, dependent upon the islands for its domestic supplies and its commerce. Time and events have afforded abundant justification for that. Nor could we have held—I think it has been demonstrated—Luzon alone. In a word, I think the judgment of the President and his commissioners that we should take all or none has been overwhelmingly vindicated for obvious reasons.

But it is stoutly contended that Spain, even if we had the power to acquire the archipelago, had no power to convey it to us, because she did not possess it. It is said that hers was only a naked legal title, so to speak, a paper title, and that the treaty therefore conveyed to us no property and only a right of sovereignty; in other words, that it conveyed to us *only people* and a few public buildings and works, and that while we may acquire territory and exercise sovereignty over it incidental to ownership, we can not acquire mere sovereignty. We did not acquire much but sovereignty when we acquired Porto Rico, which still is without criticism.

I am told, Mr. President—and it comes from Mr. MacArthur, who was secretary of the Philippine Commission—that by the cession of the Philippines we did in fact acquire, as nearly as it can be ascertained now, crown lands covering about one-third of that vast area. Had Spain a title to convey to us? The foundation of the speeches of this day upon the Philippine question is the assertion that she had not. She had when the war broke out, did she not, Mr. President? Will anyone challenge the title and sovereignty of Spain on the 1st day of May, when Dewey destroyed the Spanish fleet?

Spain held Manila. Spain held by her troops all of the seacoast and the seaports. Spain held and carried on the municipal governments. Spain everywhere, Mr. President, was in absolute control throughout the archipelago as fully as she ever had been. It is vain for any man to assert that when the war broke out there was from any standpoint any defect in the title and ownership of Spain to the Philippine Archipelago. She had it by prescription, and she had it by virtue of her possession and her control of it. Even Aguinaldo, in his "True Version," which contains a number of interesting statements (I hope they will not be challenged by my friend from South Dakota [Mr. PETTIGREW] upon the ground that they are not official), says:

Spain maintained control of the Philippine Islands for more than three centuries and a half, during which period the tyranny, misconduct, and abuses of the friars and the civil and military administration exhausted the patience of the natives and caused them to make a desperate effort to shake off the unbearable galling yoke on the 26th and 31st of August, 1896, then commencing the revolution in the provinces of Manila and Cavite.

Spain's title had been recognized by the world, including ourselves, up to that time. Mere dissatisfaction with the government, as suggested by a distinguished Senator here the other day, does not work a change of sovereignty; and although Spain had been tyrannical beyond expression, although there had many times been revolts, although the people had become desperate in their oppression, every revolt had been suppressed, sometimes accompanied by promises of reforms and sometimes accompanied by reforms.

Mr. STEWART. And sometimes by bribery.

Mr. SPOONER. Yes; sometimes, perhaps, by bribery. It has been said that the insurrection of 1896 was in progress when Dewey destroyed the Spanish fleet, and much has been made of a statement contained in a cablegram from Mr. Williams, the consul at Manila, as to battles, organized forces of insurrectionists, one statement, I remember, being that there were 5,000 armed insurrectionists in the vicinity of Manila. It must be remembered that Mr. Williams had been there, I think, only about a month.

He was obliged to rely upon the statements of those with whom he conversed. He was evidently deceived by the characteristic exaggeration of the Spaniard and the Filipino.

Another thing, Mr. President; it is very manifest from a perusal of all the documents that, however much he wished to be accurate, he was credulous and was led sometimes into misinformation. It is not possible upon the facts that there was any organized insurrection in the Philippine Archipelago when the Spanish fleet was destroyed. *Aguinaldo and his associates were in exile.*

When the \$400,000 was paid over to Aguinaldo and his associates in Hongkong, under the agreement of Biak-na-Bato, by a son of Primo de Rivera, that night Rivera gave a banquet, at which Aguinaldo and his associates and others were present, and at the conclusion of it, the host, having made complimentary allusion to Aguinaldo and his associates as Spanish subjects, Aguinaldo, it is stated to me by one who claims to have been present, arose with a wineglass in his hands and proposed a toast to the Queen of Spain as the fairest and noblest monarch that had ever lived, coupling the name of the young king. That might have been insincere.

But they were there, Mr. President. We do not know how much money was paid to Aguinaldo. We know that \$400,000 were paid. We know that the promised payments were part of the consideration for which he surrendered his arms and consented to exile. I am not to call it a bribe, nor do I say how much of it, if any, was appropriated by Aguinaldo for purposes of his own. So far as I know, I feel no warrant for saying that. In answering indictments against the Administration, charging tyranny, with declaring and waging a war of subjugation upon a helpless, civilized people, it becomes necessary to look a little into the evidence upon which these allegations are based. One thing is very clear, that not a dollar of that money had been expended prior to the time Aguinaldo went to Manila in the purchase of arms for the insurrectionists in the archipelago. It rather looks as if the insurrection of 1896 was not very much of an insurrection in some ways. Aguinaldo speaking of it, says:

General Polavieja advanced against the revolutionary forces with 16,000 men armed with Mausers and one field battery. He had scarcely reconquered half of Cavite Province when he resigned, owing to bad health. That was in April, 1897.

Polavieja was succeeded by the veteran Gen. Don Fernando Primo de Rivera, who had seen much active service. As soon as Rivera had taken over command of the forces he personally led his army in the assault upon and pursuit of the revolutionary forces, and so firmly, as well as humanely, was the campaign conducted, that he soon reconquered the whole of Cavite Province and drove the insurgents into the mountains.

Then I established my headquarters in the wild and unexplored mountain fastness of Biak-na-bato, where I formed the republican government—

"Where I formed the republican government"—

of the Philippines at the end of May, 1897.

He formed it, I presume, by a proclamation. Then in December that insurrection came to an end by the agreement at Biak-na-bato. That agreement provided for the payment of certain moneys, for certain reforms, for the exile of Aguinaldo and some of his associates, for the surrender of all the arms of the insurrectionists; and that being done, signing of the Te Deum, and after that, the payment. How many arms were to be surrendered? *One thousand stand of arms.* Aguinaldo says:

We, the revolutionaries, discharged our obligation to surrender our arms, which were over 1,000 stand, as everybody knows, it having been published in the Manila newspapers.

They have more confidence in Manila newspapers, I think, than some people seem to have in newspaper statements in this country once in a while. They had surrendered their arms. Aguinaldo says so, and therefore from December, the end of the making of that treaty and the surrender of the "arms" under it, the Filipinos were practically without arms and without an organized insurrection.

Mr. TILLMAN. I would remind the Senator that some of these communications—

The PRESIDING OFFICER. The Senator from South Carolina will suspend. Does the Senator from Wisconsin yield to the Senator from South Carolina?

Mr. SPOONER. Oh, yes.

Mr. TILLMAN. In some of these official communications in Document 63 it is stated that Aguinaldo and those of his lieutenants who made that treaty were suspected of treachery, and that a large number of his followers did not give up their arms.

Mr. SPOONER. It is not a question of suspicion; it is a question of fact. We can not get at it absolutely. All we can do is to approximate it as nearly as we can.

Mr. TILLMAN. I only point—

Mr. SPOONER. There is no reason to suppose and, so far as I can find, there is nothing in all these papers and all the evidence at hand to warrant the assertion that on May 1, when Dewey destroyed the Spanish fleet, there was any organized insurrection of any moment in the Philippines. There may have been parties of

brigands and parties of insurgents, but I mean there was no organized insurrection, and Admiral Dewey says in his report that "there was no insurrection to speak of."

Mr. TILLMAN. The only point, if the Senator will pardon me for a moment, is that although our consul, Mr. Williams, may have just arrived there and may have been misled, at that time we were at peace with Spain and had no reason to suppose we were going to war; and his dispatches repeatedly stated that they were fighting very near Manila; that the wounded were brought in daily and all that sort of thing, tending to show that there was an insurrection going on against the Spanish Government at the time when the battle of Manila was fought and for two or three months previously.

Mr. SPOONER. The commission reports and Admiral Dewey says that at that time there was "no insurrection to speak of."

Mr. TILLMAN. There was not near as much as we have got on our hands now, I acknowledge.

Mr. SPOONER. Now, Mr. President, the only arms purchased by Aguinaldo for use in the Philippines, that I can find any mention of, after the agreement of Biak-na-bat6, were the 1,999 or the 2,000 which he purchased in Hongkong as he was about to leave for Manila; and no one, I think, has ground for asserting at all that when Dewey destroyed the Spanish fleet Spain's power in the Philippines had been in the slightest degree affected or impaired by any body of insurgents. Aguinaldo obtained some arms from Admiral Dewey. He proclaimed quickly, for I can not go into details, a dictatorship. He had some trouble at first, as stated by the Senator from Massachusetts and as shown by the evidence, in gathering people around him.

He succeeded, however, in raising a considerable number of men—some put it at 30,000 and some at 15,000—in the vicinity of Manila, armed with a comparatively small number of rifles and a large number of bolos. It is, of course, impossible to ascertain with certainty.

In "The true version of the Philippine revolution," signed by Aguinaldo, and dated Tarlak, September 23, 1899, he refers to three battles, which he regarded as "glorious triumphs." Two hundred and seventy Spanish naval infantry were his antagonists in the first one. He says:

The battle raged from 10 a. m. to 3 p. m., when the Spaniards ran out of ammunition, and surrendered, with all their arms, to the Filipino revolutionists, who took their prisoners to Cavite. (Page 24.)

In commemoration of that "glorious achievement" he hoisted his national flag. He adds:

The second triumph was effected at Binakayan, at a place known as Polvorin, where the Spanish garrison, consisting of about 250 men, was attacked by our raw levies, and surrendered in a few hours, their stock of ammunition being completely exhausted.

Here he again availed himself "of the opportunity to hoist our national flag." The third and last of the victories which he chronicles in detail occurred at about the same time, at Bakoor. He says, page 26:

The garrison consisted of about 300 men, who surrendered to the revolutionary army when their ammunition was exhausted.

Not only were these troops of Spain dispirited by the destruction of the Spanish fleet, by the war existing between the United States and Spain, which rendered it impossible for Spain to send reinforcements to them, but they were scant of ammunition, and Aguinaldo, moving along through the country, obtaining what arms he could—and he bought more later from Hongkong—armed his men. Some native troops who had enlisted under the Spanish banner deserted. He sent them from place to place in the various provinces, not so much to capture Spaniards as to bring about insurrection and revolt in those communities.

He speaks in general terms of "triumph after triumph" following in quick succession, "evidencing the power, resolution, and ability of the inhabitants of the Philippines to rid themselves of any foreign yoke and exist as an independent state."

May 24 he declared the dictatorial government and that he had assumed the duties and responsibilities of the head of such government.

On the 12th of June, by his statement, he proclaimed the independence of the inhabitants of the Philippine Archipelago. Later he proclaimed a republic. He adopted a constitution. He had, it is said, a congress and an army. It is easy to draft a constitution. It is easy for a dictator to appoint members of congress. But the evidence satisfies one that they were not representative men. He did not hold Manila. He did not hold Iloilo. On the 6th day of August, in a proclamation addressed to foreign governments, he said:

The said revolution now rules in the provinces of Cavite, Batangas, Mindoro, Tayabas, Laguna, Morong, Bulacan, Bataan, Pampanga, Nueva Ecija, Tarlac, Pangasinan, Union, Infanta, Zambales, and it holds besieged the capital of Manila.

Professor Worcester says of this statement:

In other words, he claimed to control the Tagalog provinces, and practically nothing more.

It has been urged that there was a government there which we

in honor ought to have recognized—a Philippine republic. Upon what theory can it be contended, on the strength of this proclamation, in which he certainly did not minimize the extent of his control, that there was a Philippine republic, declared by its constitution to embrace not only the Tagalog provinces, but the Philippine Archipelago. What were its boundaries?

What was its "government" controlling the Philippine Archipelago? Did it afford protection to life, to liberty, to property? Was it able to discharge the primary duties of a government or international obligations—an ability which upon settled principles of international law must precede recognition of independence? Can any Senator give to the country information going into those details which governments must go into upon such a question, of a government existing in the Tagalog provinces or in the Philippines entitled to recognition?

Buenacamino, a former cabinet minister of Aguinaldo, says in a recent interview:

In our independent government the most predominant notes were abuses and immoralities, the offspring of ignorance, and the inherited vices of Spain, by which the Filipino régime was rendered odious to our people.

He ought to know.

The proposition is a fantastic one. It would be a laughable one, Mr. President, if there were not constantly based upon it in the country the charge of dishonor against this Government as now conducted.

On the 12th day of August the protocol was signed. The protocol embodied terms of temporary peace. Up to that day the subjects of Spain in the Philippines were in law the enemies of the United States, except those individuals who were cooperating with us or acting as auxiliaries. There was no Philippine nation. The idea that between the last of May and the 12th of August there could have been organized by Aguinaldo, honest, if you choose to so call him—I will speak of that before I shall have finished—a government capable of discharging the duties of a government, domestic and international, over and of a people who never had known any government but Spain, who never had been permitted to participate in government, is too idle to seriously assert.

By the protocol it was provided that there should be a suspension of hostilities, and in the treaty which was to be negotiated there should be settled "the control, disposition, and government of the Philippine Archipelago." That was a solemn covenant entered into between Spain and the United States.

On the 13th day of August, in violation of the protocol so far as it suspended hostilities, and in ignorance of it, our troops captured Manila, with 13,000 Spanish soldiers and their arms. Strictly we would have been obliged to restore Manila to the Spanish troops, to restore the *status quo*; but as the protocol provided that we should hold Manila pending the negotiation and settlement of the treaty, we remained in the city.

What happened after that? I am not going into the detail of it. Aguinaldo sent troops into different parts of Luzon and into some of the other islands. He starved out here and there a Spanish regiment or garrison, their spirit broken, hostilities suspended, the future control and government of the Philippines left an open question. The Spaniards still held Iloilo. They still held the coast cities. They still were able wherever they were in any force to maintain themselves against the Filipinos; and it is, to my mind, an idle and empty thing to say that during the months which intervened between the signing of the protocol and the execution of the treaty "Aguinaldo conquered the Spaniards." He "conquered" where there was no substantial resistance. He simply took possession of his own people, his own kith and kin, so far as the Tagal provinces were concerned, stirring up insurrection wherever he could in other provinces.

I will not take the time to show the character of his government. It is abundantly established that it was not a government of law. It is abundantly established that it did not, if it could, and doubtless it could not if it would, discharge the primary duties of a government. Property was taken as loot. Liberty was not respected. Contributions were enforced everywhere, which went not into his treasury, if he had a treasury, but very often went to enrich the men who were presiding for him in the communities.

Mr. TILLMAN. Mr. President—

Mr. SPOONER. And, Mr. President, when Iloilo surrendered, Iloilo did not surrender to Aguinaldo. The treaty of peace had been entered into, and Spain had instructed General Rios to abandon Iloilo and withdraw her garrison into another part of the island. Why? Because contingently she had parted with the Philippines, and because it was deemed an useless waste of blood to longer contend there, if contention might arise.

Mr. TILLMAN. Mr. President—

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from South Carolina?

Mr. SPOONER. And before they could evacuate that city and one or two other places the insurrectionists attacked them and were badly defeated.

Mr. TILLMAN. Mr. President—

Mr. SPOONER. What is it the Senator wants to ask?

Mr. TILLMAN. The Senator from Wisconsin is a fair man, and I would ask him whether there was any greater disorder in the Philippines, as shown by the report of the naval officers traveling through the island of Luzon, than might have been supposed inevitable in a transition from tyranny in the case of a people just released? Necessarily there were some abuses, but not more than we have witnessed in all the South American republics.

Mr. SPOONER. Oh, yes; "just released" from the tyranny of Spain, by whom?

Mr. TILLMAN. Aguinaldo and those who were like him—the other Filipinos, of course.

Mr. SPOONER. Released from the tyranny of Spain by Aguinaldo! But for the advent of Dewey's fleet—

Mr. TILLMAN. Oh, we will not dispute about that.

Mr. SPOONER. Aguinaldo would still have been in Hongkong in all human probability.

Mr. TILLMAN. And the Spaniards in Habana.

Mr. SPOONER. And very likely the Spaniards in Habana.

Mr. TILLMAN. If we had to run them out.

Mr. SPOONER. If the Spanish fleet had not happened to be in Manila Harbor, but had been found by Dewey on the open sea, the Spaniards might not have been in Habana, and yet the Spaniards would have remained in the Philippines. That the Spanish fleet was destroyed in Manila Harbor, that it happened to be there, was one of the fortunes or accidents of war.

The suggestion that the liberation of the Philippine Archipelago from Spain was wrought by Aguinaldo is stated in this book by him, but it ought not to be stated here. In the Philippines, as in Cuba, the lion in the pathway of Spain was not the insurrectionists. It was the United States; but when the Spaniards evacuated Iloilo they did it because we, having conquered Spain, having destroyed the power of Spain practically in the Philippines, she surrendered them to us. It was because of our power, not Aguinaldo's, and after the Spaniards had marched out Aguinaldo marched in. That is all there was of it. There was no conquest about it.

Men talk about our waging a war of conquest against the Philippine republic or people. We have done no such thing. We did not obtain the Philippines, to which I think we have a perfect title, by any conquest of the so-called Philippine republic, by any conquest of the Philippine people; but by conquest of Spain.

Mr. TILLMAN. Mr. President—

Mr. SPOONER. And, Mr. President, I appeal to the American people if it be not true that the inspiration and thought which led the President and the Senate to take that cession, and the country to approve it, was that thereby we could more effectually liberate the Philippine people from Spain and more easily lift them up from the blighting and paralyzing effect of long-continued Spanish tyranny.

What does the Senator from South Carolina want?

Mr. TILLMAN. If the Philippine people are not subjugated, and are not being subjugated, why have we to keep 65,000 men there, and why have they been fifteen months passing from point to point in the islands, shooting down and killing wherever they were opposed, and yet to-day, in this morning's dispatches, we are told that our Army is withdrawing from the interior to the coast towns during the rainy season, of course simply because the opposition and hatred of the people is such that it can not be said that they are anything else but rebels, fighting for their liberty, whatever that may mean?

Mr. SPOONER. Mr. President, "Rebels fighting for their liberty!" We acquired title to the Philippine Archipelago from Spain.

Mr. TILLMAN. That is a legal question.

Mr. SPOONER. The resolution of the Senator from Georgia [Mr. BACON] recognizes that, and is based upon that. That treaty has been said to have been a declaration of war. Was it? If so, the men who are making that charge and imputing to the ratification of that treaty the ensuing hostilities ought not to do so. That treaty—

Mr. TILLMAN. The declaration of war was the proclamation of the President issued in December, in which he declared the purpose of this Government was to benevolently assimilate the Philippine Islands.

Mr. SPOONER. The President did not issue any proclamation in December.

Mr. TILLMAN. The Senator has studied the question very thoroughly, but he is mistaken there.

Mr. SPOONER. I think not.

Mr. TILLMAN. General Otis said he took the liberty of censoring or leaving out some things in the President's proclamation which he thought might precipitate a conflict.

Mr. SPOONER. General Otis never took anything out of the "proclamation" of the President.

Mr. TILLMAN. General Otis says so himself.

Mr. SPOONER. He does not say so himself, as I remember. The Senator is mistaken.

Mr. TILLMAN. I can prove that he did.

Mr. SPOONER. Mr. President, why is it that we have 65,000 troops in the Philippines, if that is the number? Why is it that we have been pressing forward and forward? What is it for? To subjugate an independent people? No. It is to enforce the authority of the United States over territory which we acquired.

Mr. BACON rose.

Mr. SPOONER. Does the Senator wish to interrupt me?

Mr. BACON. Not until the Senator finishes his sentence.

Mr. SPOONER. I have done.

Mr. BACON. I dislike to interrupt the Senator and would not do so except that his allusion to me has been direct, and my silence might be misconstrued.

Mr. SPOONER. I would not misconstrue my friend's silence.

Mr. BACON. But others might. I do not think the Senator from Wisconsin would.

The Senator argued as to the title of the United States and disputed the fact that it is in any manner based upon conquest. While he does not say so directly, his remark would evidently leave the impression, in referring to the resolution offered by myself, that a similar basis of title was recognized by me. I desire to say to the Senator—and I beg his pardon for the interruption, for I purposed not to interrupt him—that my position with regard to that matter is this: I do think that the Government of the United States now has a good title. I think that title was based also upon a purchase of a very imperfect title, which has since been made good by the United States Army by conquest.

Mr. SPOONER. I asserted that it was a conquest from Spain.

Mr. BACON. The Senator—

Mr. SPOONER. I am not controverting anything the Senator has said.

Mr. BACON. I do not understand that reply as being intended for me.

Mr. SPOONER. No.

Mr. BACON. I could not interrupt the Senator at the time he made the statement, because he passed so suddenly to another point. I will not, however, interrupt the Senator further.

Mr. TILLMAN. Mr. President—

The PRESIDING OFFICER (Mr. GALLINGER in the chair). Does the Senator from Wisconsin yield to the Senator from South Carolina?

Mr. SPOONER. I hope the Senator will not interrupt me at this moment.

Mr. TILLMAN. If the Senator had not called in question my statement I would not do so.

Mr. SPOONER. What is it the Senator desires?

Mr. TILLMAN. I have here the report of Maj. Gen. E. S. Otis on the military operations and civil affairs in the Philippine Islands, and on page 66 he makes this statement:

After fully considering the President's proclamation and the temper of the Tagalos, with whom I was daily discussing political problems and the friendly intentions of the United States Government toward them, I concluded that there were certain words and expressions therein, such as "sovereignty," "right of cession," and those which directed immediate occupation, etc., though most admirably employed and tersely expressive of actual conditions, might be advantageously used by the Tagalo war party to incite widespread hostilities among the natives.

The ignorant classes had been taught to believe that certain words, a "sovereignty," "protection," etc., had peculiar meaning disastrous to their welfare and significant of future political domination, like that from which they had recently been freed. It was my opinion, therefore, that I would be justified in so amending the paper that the beneficent object of the United States Government would be brought clearly within the comprehension of the people, and this conclusion was the more readily reached because of the radical change of the past few days in the constitution of Aguinaldo's government, which could not have been understood at Washington at the time the proclamation was prepared.

The amended proclamation was thereupon prepared, and fearing that General Miller would give publicity to the former, copies of which, if issued, would be circulated soon in Luzon, I again dispatched Lieutenant-Colonel Potter to Iloilo, both to ascertain the course of events there and to advise the commanding general of the dangers threatening in Luzon, and which might be augmented if any action was taken which the insurgents could make use of in furtherance of their unfriendly designs. General Miller thought his action in making publication of the proclamation on January 3 correct, as he had not been instructed to the contrary, and his opinion, he contended, was confirmed by a War Department dispatch which I had directed Colonel Potter to deliver to him, and which he had received on January 6. He was satisfied that the use he had made of the proclamation was that contemplated by the War Department authorities, but it was not long before it was delivered at Malolos and was the object of venomous attack.

Mr. SPOONER. Does the Senator intend to read that whole book?

Mr. TILLMAN. Oh, no. I simply wish to prove what I stated, that General Otis amended President McKinley's proclamation; that he took out certain words and substituted others, and sent that amended proclamation to General Miller at Iloilo. He had previously sent the original document to Miller, and Miller had printed the document as the President had sent it to

the Filipinos; and that is the way it got out. These are the facts. The Senator disputed them a moment ago.

Mr. SPOONER. Yes; and I dispute them now.

Mr. TILLMAN. Then the lie, if there be one, rests on General Otis, and not on me.

Mr. SPOONER. Oh, there is no lie about it.

Mr. TILLMAN. There are the facts, taken from the official report; and if you dispute that, I will not state anything more about the reports of anybody.

Mr. SPOONER. What I mean to say was this: That what is called a proclamation there—and the records at the War Department show it—was not a proclamation by the President at all, but was a letter of instructions issued by the President to the Secretary of War, which was to be sent to General Otis to govern him in the discharge of his duties in the Philippines.

Mr. TILLMAN. And as outlining the policy of this Government toward the Filipinos.

Mr. SPOONER. General Otis carried out the President's instructions as General Otis thought best, not using in the proclamation which General Otis did issue the language of the President. That is all there is of that.

Mr. TILLMAN. General Otis himself says that he amended the proclamation.

The PRESIDING OFFICER. The Senator from South Carolina will please address the Chair. Does the Senator from Wisconsin yield to the Senator from South Carolina?

Mr. SPOONER. Mr. President, the paper speaks for itself; I have seen it at the War Office; and when the Senator examines it, he will see that it was not a proclamation; that it was not intended to be a proclamation. It was nothing the President sent for publication to the Philippine people, but it was a letter of instructions from the President to the Secretary of War, to be by him forwarded to General Otis for his government, upon which General Otis issued a proclamation to the people, explaining his failure to obey in some respects the instructions of the President.

Mr. TILLMAN. Will the Senator be kind enough to incorporate the letter or proclamation or whatever it was in his speech.

Mr. SPOONER. What proclamation?

Mr. TILLMAN. The proclamation that General Otis issued after he received it from President McKinley, only taking out of it three or four words.

Mr. SPOONER. The Senator will be incorporated in my speech pretty soon. [Laughter.]

Mr. TILLMAN. If the Senator dislikes my interrupting, I will promise not to trespass any more, no matter how much he treads on my toes; but I simply could not sit silent here.

Mr. SPOONER. I do not ask that.

Mr. President, we accepted the cession; we ratified the treaty; we acquired, so far as the treaty could give it to us, the Philippine Archipelago; Congress appropriated \$20,000,000; there was fighting and has continued to be fighting in the Philippines; our troops were involved in contest with the Filipinos, and Congress knowing that fact passed a military bill providing for a vast increase in the Army.

It was perfectly understood that a large part of that force, so much as the President might deem necessary, was to be sent to the Philippines. That very law mentions the Philippines as a place in which troops were to serve. What was the President to do but to send troops to the Philippines, Mr. President, and to enforce there the authority of the United States? Could he hesitate, under his oath, upon the assumption that there was any doubt as to our title?

One of the strange phases of this matter now is that men who voted to furnish troops for the President to send to the Philippines criticize him for sending them and criticize him for using them. He was obliged to take it as settled that we had acquired the Philippine Archipelago; that it was his duty to extend the authority of the United States over that archipelago; and he has done so. He notified Congress by his annual message that until Congress indicated a purpose otherwise he should continue to use the troops of the United States in enforcing the authority of this Government in the Philippines. Had he not done so, Mr. President, all things considered, criticism could have been made of him which would have been unanswerable.

Some one asked the other day why the President did not bring about a cessation of hostilities. Upon what basis could he have brought about a cessation of hostilities? Should he have asked Aguinaldo for an armistice? If so, upon what basis should he have requested it? What should he say to him? "Please stop this fighting?" "What for," Aguinaldo would say, "do you propose to retire?" "No." "Do you propose to grant us independence?" "No, not now." "Well, why, then, an armistice?" The President would doubtless be expected to reply: "Some distinguished gentlemen in the United States, members of the United States Senate, and others, have discovered a doubt about our right to be here at all, some doubt whether we have acquired the

Philippines, some question as to whether we have correctly read the Declaration of Independence; and I want an armistice until we can consult and determine finally whether we have acquired the Philippines or not, whether we are violating the Declaration of Independence or not, whether we are trampling upon the Constitution or not." That is practically the proposition.

No, Mr. President, men may say in criticism of the President what they choose. He has been grossly insulted in this Chamber, and it appears upon the record. He has gone his way patiently, exercising the utmost forbearance, all his acts characterized by a desire to do precisely what the Congress had placed upon him by its ratification of the treaty and its increase of the Army. He has done it in a way to impress upon the Filipinos, so far as language and action could do it, his desire and the desire of our people to do them good, to give them the largest possible measure of liberty, civil, religious, and individual, and to give them, as rapidly as may be, participation in the government out there.

He has done it all in disregard of hostile criticism, embarrassment, and complication of the situation vastly intensified and enhanced here at home; but he has done what under his oath he was obliged to do. He has gone forward with the Army of the United States and the flag of the United States to enforce the authority of the United States and obedience to it over territory of the United States. Any President of any party, if faithful to his high trust, could not have done otherwise.

Mr. President, I will be greatly obliged to the Senate—I think all of my colleagues here have not failed to observe that I have spoken under great difficulty—if I may be permitted some time to-morrow to conclude my remarks.

Mr. BACON. Mr. President, I hope that courtesy will be extended to the Senator from Wisconsin.

Mr. ALLISON. Mr. President, I hope this matter will be laid aside temporarily to give the Senator from Wisconsin an opportunity to proceed to-morrow.

The PRESIDING OFFICER. Without objection, the bill will be laid aside temporarily.

Mr. SPOONER. I thank the Senate for its courtesy.

SENATOR FROM MONTANA.

Mr. CARTER. Mr. President, I present to the Senate a certificate from the acting governor of Montana, appointing William Andrews Clark a Senator from that State to fill a vacancy existing; and request that the credentials be read and laid upon the table.

The PRESIDING OFFICER. The credentials will be read.

The Secretary read the credentials, as follows:

STATE OF MONTANA, EXECUTIVE CHAMBER, Helena, Mont., May 15, 1900.

Whereas a vacancy has occurred in the representation of the State of Montana in the Senate of the United States, caused by the resignation of Senator William Andrews Clark; and

Whereas the legislature of said State is not in session, but in recess:

Therefore be it known that, pursuant to the power vested in me by the Constitution of the United States, I, A. E. Spriggs, the lieutenant-governor and acting governor of the said State, do hereby appoint William Andrews Clark, a citizen and inhabitant of said State, to be a member of the Senate of the United States, to fill the vacancy so caused and existing as aforesaid, to have and to hold the said office and membership until the next meeting of the legislature of this State.

In witness whereof I have hereunto set my hand and affixed the great seal of said State, at the city of Helena, in said State, this 15th day of May, A. D. 1900.

[SEAL.]

A. E. SPRIGGS, Acting Governor.

By his excellency the acting governor:

T. S. HOGAN, Secretary of State.

Mr. CARTER. I request that the credentials lie upon the table.

The PRESIDING OFFICER. The credentials will, without objection, lie upon the table.

SOLDIERS' HOMESTEAD ENTRIES.

Mr. CARTER. Mr. President, on yesterday evening I requested that a bill which had been read and was about to be put upon its final passage, House bill 9140, be for the time being laid over. I desire to present an amendment now and ask unanimous consent that the bill may be considered.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 9140) providing that entrymen under the homestead laws, who have served in the United States Army, Navy, or Marine Corps during the Spanish war or the Philippine insurrection, shall have certain service deducted from the time required to perfect title under homestead laws, and for other purposes.

The PRESIDING OFFICER. The Senator from Montana proposes an amendment to the bill, which will be stated.

Mr. CARTER. It is an amendment to section 2.

The SECRETARY. It is proposed to add to section 2 the following:

Provided, That in all cases where a soldier or sailor or his widow or minor children is entitled (under the practice, rulings, and decisions of the Land

Department) to make an additional homestead entry under the provisions of sections 2303 and 2307 of the Revised Statutes of the United States, and the right to make such additional entry has not been satisfied by actual location, it shall be the duty of the Commissioner of the General Land Office, upon the filing of proof of the right to make such an additional entry, to examine the same, and, if satisfactory, to thereupon issue a certificate of such right in favor of the lawful holder thereof, and, on the location of such certified claim, to have patent issued to him or his assigns for the land located therewith: *Provided further*, That such holder shall present his application for such certificate on or prior to January 1, 1901, or be thereafter forever barred.

The PRESIDING OFFICER. The question is on the adoption of the amendment.

Mr. PETTIGREW. Mr. President, does this amendment come from any committee of the Senate?

The PRESIDING OFFICER. It is proposed by the Senator from Montana.

Mr. CARTER. The amendment is from the Committee on Public Lands.

Mr. PETTIGREW. As I understand this amendment, it permits all scrip of this character to be located anywhere—

Mr. CARTER. That is so now.

Mr. PETTIGREW. And to be transferred from hand to hand. Under the present rulings of the Department this is not allowed. I was not aware that this amendment had been discussed in the Committee on Public Lands. It is the first I have heard of it.

Mr. CARTER. Mr. President, the fact of it is that the Supreme Court of the United States has held, and the Department under that decision has held for many years, that these rights are transferable from hand to hand. The purpose of this amendment is to ascertain at some reasonable date in the future how much of this class of claims are outstanding and to put some period to the time when they can be allowed to remain an indefinite charge against the public domain. I think it is wholesome legislation, and the committee without a dissenting voice directed its adoption.

Mr. PETTIGREW. As I said before, I was not aware that the Committee on Public Lands had discussed this amendment. It seems to me it is exceedingly broad in its scope and that it lets in all of these additional entries. I do not know whether it lets in those that are not genuine, but the Department has been very careful of late and has refused to allow any of these entries until they were filed by the persons entitled to them or forwarded to the Department and proved here; in other words, the entry is not complete under the present rules of the Department until filed in the local office, sent here, and proved here. Ordinarily where a homestead entry is made it takes effect when the person appears at the land office and offers his filing and his money. But because of the great number of frauds that have crept in in the handling of the soldiers' additional entries, and because of the fact that vast numbers of them were located at local land offices that were forgeries, based upon proof that was manufactured, the Department was obliged to make these exceedingly stringent rules.

As I understand this amendment, it obviates the necessity of these rules; in fact, does away with the rules—leaves the old practice in force—and allows these entries without those safeguards.

Mr. CARTER. Mr. President, if the Senator will permit me there, the process to which he refers is the basis of the abuse. My attention was drawn to this abuse through the withdrawal of large areas of the public land in Montana by fraudulent, as alleged, homestead or additional homestead soldiers' rights. It requires from one year to eighteen months to ascertain under existing conditions whether a claim is valid or fraudulent, and in the interim the land upon which it is filed in the local land office is withdrawn from settlement. The purpose here is to prevent the withdrawal of land on the basis of these additional entries unless the office shall have previously ascertained that the papers are valid and the right exists—

Mr. STEWART. I should like to inquire, Does this admit scrip in any case?

Mr. CARTER. It does not admit scrip in any case.

Mr. STEWART. I have never known any scrip issued that did not work fraud.

Mr. PETTIGREW. I wish the Senator would listen to the amendment, and base his judgment upon that.

Mr. STEWART. I should like to have the amendment read.

The PRESIDING OFFICER. The amendment will be again read.

The Secretary again read the amendment submitted by Mr. CARTER.

Mr. CARTER. It is obvious from the reading of the amendment that it is meant to cure the defect whereby public lands are withdrawn for the time being from a year to eighteen months, as the case may be, on fraudulent soldiers' claims. There are many of them being passed from hand to hand, and in one county, in the State I have the honor to represent, I know of a stream 23 miles in length covered by these claims, mostly found subsequently to be fraudulent. The purpose of the amendment is to prevent the segregation of any public land by any such papers until the Department shall first ascertain and determine that the papers are

valid. Second, no one can now tell nor is there any means of ascertaining what amount or extent of this class of claims are outstanding against the public domain as a charge. The Supreme Court of the United States has held that they are transferable from hand to hand, subject to sale and assignment. So no additional right is given by the amendment, but I do think it is the right and the duty of Congress to fix a period within which the parties claiming under that additional homestead section shall come forward and make known their claims and have them examined and determined, and that the determination shall precede the withdrawal of the public land under it.

Mr. STEWART. I will state that I have had a great deal of experience in witnessing the evil effects of all kinds of scrip. It always falls into the hands of speculators who rob the settlers. I had an investigation made about thirty years ago, and of the vast amount of territory that had been opened to settlement in the Mississippi Valley my recollection is that less than one-third, only about 25 per cent of it, had really been obtained at first hand by settlers. It was all by means of scrip. It was surveyed in advance of settlement, it was advertised, nobody wanted it, and then it became salable at a dollar an acre. Any kind of scrip is objectionable. I have not examined the language in connection with the Revised Statutes, but if this allows the issuance of scrip or gives any additional validity to scrip it is vicious, because all scrip is vicious.

Mr. CARTER. It will be observed that the Public Lands Committee very carefully considered the matter—

Mr. STEWART. If it has been very carefully considered and does not enlarge the rights of the scrip owner in any way—

Mr. CARTER. It does not increase the acreage of land that may be taken up under the soldiers' additional homestead rights one acre. It provides that before this right or alleged right can be utilized to segregate a part of the public domain the person shall submit the scrip to the General Land Office, where from the records it can be ascertained whether lands should be withdrawn under this scrip or not. It does not increase the rights. The rights exist, and they are confirmed by the Supreme Court of the United States, made transferable and so recognized by the General Government now and for years.

Mr. STEWART. As to a piece of land, as I understand it, under the arrangement they present the scrip applicable to a piece of land they have selected, and then the Department will ascertain whether the scrip is valid; whether they have a right to take this particular piece of land.

Mr. CARTER. That is the present proceeding. The difficulty with that proceeding is that a year to a year and a half elapses before the Land Department determines whether the scrip which is applied to such land is valid or not. If after eighteen months it is found it was a fraudulent soldier's right or that the right of the soldier to additional scrip had been previously exhausted, as occurs in many places, the same soldier selling over and over again to many persons, thus creating a lot of this scrip, soldiers' rights, which segregated the public domain, held it up from settlement—

Mr. STEWART. I have no apprehension that he will swindle those persons. I do not care if he sells it forty times. They are all sharps and can take care of themselves. We need not bother about taking care of them. I do not want to give them any more advantages than they have.

Mr. TELLER. I ask that the amendment may be again stated. The Secretary again read the amendment.

Mr. NELSON. Mr. President, the more I have heard that amendment read and the more I consider it, the more I come to the conclusion that it is a dangerous amendment; that the effect of it will be to validate and to give life to a lot of outstanding scrip. The law, if I remember aright, granted to soldiers who had been in the war and had located homesteads for less than 160 acres the right to locate an additional quantity, not exceeding 160 acres in all.

Reading the law in the first instance, the original law, allowing additional homestead entries, one would naturally have supposed that it was a right personal to the soldier; that whatever deficiency of land he was entitled to he would have to locate and acquire himself. Unfortunately, under that law a practice grew up by which they created a species of scrip. The soldier who was entitled to locate an additional homestead would sell his right. The way he would do it and get around the law was to execute to the purchaser a power of attorney to go and locate that additional homestead in the name of the soldier. Then he would execute another power of attorney—and these powers were given in blank as to the grantee in the power—authorizing the conveyance of the land after it was located. That came to be known as soldiers' additional scrip. It consisted of two powers of attorney, one power authorizing the grantee in the power to locate in the land office the additional quantity of land, and another power to sell and convey that after it was located.

Now, under that any amount of that kind of scrip was purchased. People from the Northern States went over into the Middle Northern and Southern States and secured any amount of that scrip. For a while, as I understand it, that mode of procedure was recognized and held valid.

They recognized locations by powers of attorney, and subsequently the locations were transferred. Afterwards the Land Department changed its rulings, if I remember correctly, or the Interior Department changed its rulings, and held that such locations through power of attorney could not be made, that they would have to be made by the soldier himself.

Under those conditions soldiers' additional scrip was at a discount for a while; but finally, in the bill relating to public lands in Alaska, a clause was inserted two years ago which breathed new life into soldiers' additional scrip, gave it a market price, a quotation, and a boom that it had not had for years. I do not think this is the intention—

Mr. CARTER. I am sure the Senator will be glad to get the matter exactly as it is. It is true that the Department concluded that powers of attorney were not valid and refused to recognize them. Thereupon a case was brought to the Supreme Court of the United States, and that court, in a very emphatic and unequivocal opinion, held that it was an assignable right; that it was manifestly the intention of Congress to give to the soldiers something of value, and the fact of its assignability gave additional value to it, and that under the old law, without any change of law whatever, a soldier had the right to transfer and sell as best he might in the open market the right given to him by Congress.

Since that decision of the Supreme Court of the United States, which was rendered some years ago, there has been no question whatever as to the validity of a soldier's additional right. The abuse connected with it is twofold. First, we ought to keep some kind of a system of bookkeeping of our public domain. There is no means now of ascertaining how much of the public land will be required to satisfy these outstanding unknown additional rights. That is an unfortunate state of affairs, because we ought to know how much land we are obligated to give under existing law. Second, it seems that the habit has grown up in certain quarters of manufacturing these papers, and numerous fraudulent papers have gone forth throughout the country, which are utilized for filing upon public land by the assignee, usually a rancher or farmer wanting a piece of grazing land on the hills.

He will buy one of the soldier's additional rights. Under existing conditions—in my own State, for example, for that is under my observation and I know it to be true—the countryman purchasing these rights, believing them valid, in many instances found, after having paid the money for the scrip and filed it in the Land Office and waited for eighteen months or longer, perhaps, that the Land Office held that particular piece of paper utterly invalid. First, the man may not have been a soldier at all. Second, he may have been a soldier, but his right may have been previously sold to some one else and filed upon land, thereby becoming exhausted, which fact can only be ascertained in the Land Office.

Mr. NELSON. Will the Senator from Montana allow me?

The PRESIDING OFFICER. The Senator from Minnesota is entitled to the floor.

Mr. NELSON. I wish to say that now for the first time, with due respect to the Senator, he gives the real purpose of the bill. There is no doubt that a great quantity of this fraudulent scrip is afloat, but it has been the practice of the Land Department in recent years not to pass upon the scrip until it is attempted to locate. Whenever a man applies to locate it on a given piece of land, the Government will pass upon it; but there is no law now under which they will pass upon the validity of this kind of scrip before it is attempted to locate.

The effect of this proposed law will be to compel the Government to consider and take up all this floating scrip that is out and pass upon it in advance, before it is located, so that the holders of this scrip, these scrip speculators, may know what the scrip is. Of course this mode of procedure will entail a great amount of work upon the Government. It will give double value to this scrip over what it has now.

Mr. CARTER. The Senator will perceive that it will remove from the line of possibility a deception by these alleged speculators, if you please, through the sale of spurious papers throughout the country to the unwary and thoughtless. I do not think the Government ought to leave it in the power of anyone under color of law to perpetrate fraud upon the citizens of the country.

Mr. NELSON. Mr. President—

Mr. TELLER. Mr. President—

Mr. NELSON. I will yield the floor.

Mr. TELLER. I should like to ask the Senator from Minnesota or the Senator from Montana, one or the other, whichever may have the floor, what they mean by saying there is a great quantity of fraudulent scrip out. Do they mean it has been fraudulently issued by the Department or that it is a forgery?

Mr. NELSON. I will explain what I mean by it.

Mr. TELLER. Then I will hear the Senator from Montana later.

Mr. NELSON. A soldier, A, living in the State of Missouri, had the right to locate a full homestead of 160 acres. He has gone on and located only 80 acres, because that was all he could get. I go to that soldier and say, "Here, you have the right to locate 80 acres more of the public land. I want to buy that right of you." To transfer from him to me he executes a power from himself to me, authorizing me to go to some land office and locate 80 acres of public lands in his name. That location, the Senator from Colorado will observe, is in the name of the soldier. I have the power to locate it in his name. Now, to complete the scrip and make it of any value there is another power of attorney given to me at the same time, authorizing me to convey his title after I have located it. Those two powers of attorney are what constitute the scrip.

Now, there is no doubt that various parties in the North secured all over that country and got many of these powers of attorney. They did not get them directly from the soldiers, but they got them through agents, who got the powers of attorney from A, B, C, and all over, and then sold them to their principals up North. There is no doubt a good deal of that fraudulent scrip is outstanding; that is, it is fraudulent because it either does not represent any real soldier or does not represent any real interest in the land; that is, a soldier may have exhausted his land, or he may not have been in fact a soldier.

Mr. CARTER. The Senator from Minnesota has stated the case very clearly, I will say to the Senator from Colorado. Where the soldier has exhausted his right and sells again, of course the Land Office ascertains when some citizen has been cheated that the second scrip or these two powers of attorney were invalid. The purpose of this amendment is to compel the people who claim any right under that sort of floating and fraudulent scrip to subject the same to the scrutiny of the Department within a limited time, the Department being the only power which is able to detect the fraud. It is better, it seems to me, to detect the fraud at once and cancel these fraudulent outstanding papers, which probably will not be presented at all. No scrip will be passed under this amendment on any basis that would not obtain if the location had been previously made; but a great deal of this scrip will be cut out by the amendment and absolutely canceled.

Mr. TELLER. The Senator from Montana will know whether I am correct or not. My impression is that originally the Department did pass on this question.

Mr. CARTER. It did for many years pass on it.

Mr. TELLER. It was found that the soldier was getting no particular benefit from it. There were a lot of speculators, and this scrip went way up to \$20 an acre. The Department shut that off, believing that if they did not issue the scrip they would discourage the speculators in securing it. It seems to me this is to return to exactly the same condition that the Department declared some fifteen years ago ought not to exist. It seems so to me, and it seems to me it will revive all the defunct and dormant claims, and we shall have a great lot of claims that otherwise would never come. The intention of the act originally passed was simply to let the homesteader get a full quarter section. It was intended that he should have the benefit of it, and nobody else. The whole scheme was used to appropriate the lands for cattlemen, nonsettlers, and it was very pernicious and unwise legislation. Like a good deal of other legislation we have attempted in this country to benefit the real settler, it has been taken advantage of by the speculator.

Mr. PETTIGREW. Mr. President, previous to 1872 any settler could go upon the public domain and secure a homestead of 160 acres, unless the land which he wished to take was within the boundaries of a railroad land grant. If within the limits of a land grant, he could take the even-numbered section and could take only 80 acres as a homestead, on the theory that half the land having been given to the railroad, its value was doubled by the construction of the road, that it was no longer wild lands, that it was no longer distant from civilization, and therefore the homesteader could take only 80 acres.

In 1872 we passed a law which provided that as to soldiers who served in the civil war they could go within the boundary of a land grant and take a hundred and sixty acres, and if they had already taken 80 acres they could take another 80 acres, and if they had lived the five years upon the 80 acres they had already taken they could secure title to the other 80 acres without residence and cultivation.

The rulings of the Department—for the law authorized the Department to make rules and regulations to carry the law into effect—provided that the soldier must go in person. If a soldier who had taken 80 acres along the line of a railroad wanted another 80 acres in a distant place, he must go to the land office and make the entry. I remember very well in 1873 many of the settlers who had located along the St. Paul and Sioux City Railroad in Iowa

and Minnesota came over to Dakota and secured their other 80 acres.

Some speculators conceived the idea that the Department could rule that those people could transfer their right, giving a power of attorney and having a certified copy of the final receipt for their first 80 acres. So they went to work and bought up the rights of these soldiers all along these land grants. They bought up thousands of these claims. There was no ruling allowing it to be located by power of attorney. Yet the agent of these people, T. B. Walker and others, of Minneapolis, who wanted to enter pine lands, went down along the line of the railroad and bought the rights of these soldiers, taking powers of attorney from soldiers to locate the other 80 acres, and also a power of attorney to sell the other 80 acres when located.

When they had gathered together thousands of these rights and got them in their safe in Minneapolis, they came down here—and in my opinion they came before—and got the Land Department to issue an order allowing them to locate by power of attorney, allowing them to be certified to and transferred from hand to hand; for the powers of attorney were in blank. Then Mr. Walker took these additional rights and went into the pine woods of Minnesota and located thousands and thousands of acres of the best land in that State, which he had previously selected, and thus laid the foundation for his large fortune. The ruling of the Department, in my opinion, was not authorized by law. It was issued for the purpose of accommodating Mr. Walker and these speculators.

Mr. CARTER. I will call the attention of the Senator to the fact that the matter was brought before the Supreme Court of the United States, and the Supreme Court in the most emphatic manner held that the right was assignable, could be passed from hand to hand, and that it was manifestly the intention of Congress that it should be assigned. I shall be glad to show the Senator the decision, although I have it not here.

Mr. PETTIGREW. The Department, under this ruling, which stood for several years, finally found that fraudulent papers came into existence. There were presented to them innumerable claims on made-up paper. No doubt many of these spurious claims were patented. The country was filled with these floats or scrip, as it was called. Men who had been in the Army, but had never taken any land, made up sets of papers and put them upon the market. Men who had been in the Confederate service, and who had taken 80 acres of land, made up spurious papers and sent them in here for certification, and they floated and were in the market everywhere. The Department found it impossible to prevent fraud under that ruling, and therefore they revoked it. They repealed the ruling and stated that thereafter the soldier must go in person, or, if he does not go in person, his papers must be sent in through the local land office, and must come here and be approved before any entry can be made. They found that absolutely necessary to prevent fraud.

After the Department had changed its ruling an application came to the Senate and came to the Committee on Public Lands, asking us to allow these fraudulent entries to be laid upon land, and what was the argument? Why, that the Department had allowed these floats to exist, that a lot of these fraudulent certificates had been approved by the Department as genuine, and that innocent parties had purchased them and put their money in them, and therefore we ought to allow the entry of lands with that sort of scrip, although they were absolute forgeries. I do not know but that we passed some such law.

Mr. CARTER. I guess not.

Mr. PETTIGREW. I know it was discussed and urged vigorously in the Committee on Public Lands that we should pass such a law. Now, this amendment proposes to revive that old system, and that is all there is to it; and if you pass it—

Mr. CARTER. I would be glad to have the Senator point out how that can occur. The purpose of this amendment is, as I understand it—

Mr. PETTIGREW. I would much rather the Senator would allow me to finish my argument, and then he can reply to me.

Mr. CARTER. Very well.

Mr. PETTIGREW. If we pass this amendment, and then these fraudulent papers are presented to the Department, and they for any reason certify that they are accurate, and then they pass into the hands of an innocent purchaser, it seems to me that in good faith we will be bound to admit the genuineness of the scrip and allow them to enter land with it. At least, that argument will be made.

A vast accumulation of these fraudulent entries might be secured, and after they had been secured the Land Office would certify to them in a bunch, just as Walker got them to certify to his vast quantities of scrip. It is not always that the subordinate officers or even the superior officers of our Land Department are above reproach, and we put in their way a chance to perpetrate a fraud that would be of vast profit and benefit to the people who secured the scrip. It seems to me it is absolutely unnecessary

and that there is no argument which can be made that will justify our putting this temptation in their path. I can see no reason in the world why this should be done.

It seems to me that the present practice of the Department is far better than to go back to the old rule which, having been tried, became so intolerable that they were forced to repeal it. Why should Congress now, I say, step in and say to the Department, "In overturning your rule, which proved so full of fraud, you did wrong; we will tear down the safeguards which you have built up and we will compel you to go on with the old practice?"

For my part, I have heard no argument which can justify us in passing this amendment. I understand it is offered to the bill to give to the soldiers who served in the Spanish war the additional or the homestead right, and the time which they served in the Army is to be deducted from the time they are required to live upon the homestead before they secure their patent. Therefore I presume it is germane to the bill, but I do dislike very much to see a bill of a purpose so excellent loaded down by a provision so bad.

Mr. CARTER. Mr. President, the amendment is intended to accomplish the things that the Senator thinks it is not intended to accomplish. First, the Government has at present no knowledge of the extent of the obligations of this sort outstanding. This important information can only be acquired by putting a limitation upon the time within which parties claiming land under this law may come forward and assert their right. I do think that with reference to the swamp-land grant a similar limitation should have been provided twenty years ago. The part of the amendment which fixes a limitation is certainly wholesome and desirable. On the 1st day of next January, under the amendment, we would be able to determine down to a single acre of land the extent to which the public domain would be called upon to respond to the satisfaction of these additional claims.

Now, second, it is admitted that these claims have been duplicated, the same soldier in certain instances issuing powers of attorney to three, four, five, six, a dozen, possibly a hundred different people. All of these claims issued by him are fraudulent save and except one. The proceeding in the Land Office, where the investigation is finally made after the location of the land, prevents all possibility of any fraud on the soldier. They write to the soldier who is alleged to have made the assignment for the purpose of ascertaining from him that the assignment was properly obtained and is valid in fact. The result of the inquiry made, as required by the amendment, would be to absolutely destroy all the outstanding fraudulent claims, and that, too, before the 1st of next January. It does seem to me that it is a desirable thing to do.

With reference to the proceedings in the Department, years ago there was a time when these claims were certified on presentation. There ought to have been a limitation fixed then within which all the parties claiming should come forward and make known the basis of their claims. The frauds will be culled out. The valid entries or claims will be made known. The public domain will have a fixed instead of a floating charge against it. The amendment will lead to the same scrutiny. The same line of investigation will be made in the Department under this amendment that is made after the fraud has been perpetrated upon some innocent countryman. It does appear to me that it is not sufficient to say that possibly in determining that certain claims are valid, thereby they will gain some value. The immense advantage will be in branding the fraudulent claims and getting them out of existence. All these claims that are presented between now and the 1st day of January will be forever taken out of harm's way, filed in the Department, marked "fraudulent" where they are found to be fraudulent, and certificates given where they are found to be valid, by the 1st of January. Therefore the Department will be able to tell whether it is twenty-five or fifty thousand acres of land that must be used for the purpose of satisfying these claims.

Unless some limitation is fixed we will drift along from year to year with these fraudulent claims floating. As I understand, in the State of New Jersey there are thousands of fraudulent land claims to-day, for which no land can be found to satisfy the claims, issued along about the opening of the century. They are in excess of the amount of land that was available to satisfy them. That was done under the original grant from the Crown to certain persons, and they in turn issued the claim for land, and when all the land was taken the remainder of the claims were fraudulent because there was nothing to which they could apply.

I do not care about the amendment. It comes here from the Committee on Public Lands. Some members of the committee appeared upon full investigation to be opposed to it. I have no desire to insist upon it, but yet they think it is wholesome legislation and very much needed.

Mr. TELLER. I wish to make a suggestion to the Senator. He is a member of the Committee on Public Lands. I understand

that this measure has had rather an informal examination by the committee. I should have a good deal of faith in the committee, the committee having examined it carefully. I want to suggest to the Senator and the chairman of the committee that the bill might go back to the committee and be put in order, so that there will be no question about it, and that they might add to that also another feature.

In 1897 we provided that a settler inside of a forest reservation might dispose of his land if he did not want to stay in the reservation, and get other land of an equal amount. I do not suppose it was ever intended, and I do not believe that anybody contemplated at the time when the law was passed, that he would be allowed to go upon unsurveyed land and take land in exchange. But the Department unfortunately have held, and they do not seem to be willing to change that ruling, that all the land in the United States (not perhaps mineral land, but all nonmineral land) is subject to location, surveyed and unsurveyed.

I am told the result of that is that in some of the States where there is some very fine timber that is kept out of the reach of any homesteader or any preemptor (in fact they are all homesteaders now), this scrip or this same system that they are now using with soldiers (for that is the practical way, I understand, to take it up) can be located, and that they are locating on these exchanges large quantities of white pine timber, valuable pine timber, which no settler is allowed to take. I think that location ought to be restricted to the surveyed lands, and the settlers ought to have a chance at the unsurveyed land instead of these speculators.

Mr. PETTIGREW. If the Senator will allow me, the worst abuse under the forest-reservation law is that they have allowed the railroad companies to swap the tops of mountains, which are not worth a quarter of a cent an acre, for this scrip and locate it on valuable timber land acre for acre.

Mr. TELLER. Unsurveyed?

Mr. PETTIGREW. I have introduced a bill to repeal that provision of the law, and I hope very much that it will be passed by the Senate before we adjourn.

Mr. TELLER. I wish the bill might go back and see if the committee can not bring out something to cover both cases. I have no desire to prevent men who perhaps ought to have a title from getting it in proper time.

Mr. CARTER. I am willing the matter shall be recommitted to the committee. I am perfectly satisfied that upon an examination of the law and the decision of the Supreme Court the Senator from South Dakota will concede at once that, whatsoever the Department may have thought to the contrary, the Supreme Court has held that these rights are clearly and always have been assignable.

Mr. PETTIGREW. I should like to ask the Senator why there is a necessity for any legislation then?

Mr. CARTER. The purpose is to brand the fraudulent floats that are going over the country, and to compel people to show them up before the 1st day of next January, or be forever barred from having them protected. It is a statute of limitations in that particular.

Mr. PETTIGREW. I should like to ask the Senator a question. Does not the Department refuse to allow these entries now in the way he suggests? They refuse to certify them and then they refuse to allow them.

Mr. CARTER. They do not, for they have authority of law.

Mr. PETTIGREW. They have rejected them, and they would not certainly disobey the Supreme Court. That decision, of course, was made when the Department made this ruling, so that the Department had a right to make the ruling. Of course then it applied, and since the Department revoked the ruling it does not apply.

Mr. CARTER. They went beyond that, and said most emphatically that the Department was compelled under the law to recognize an assignment of a soldier's additional homestead claim, whether it had a ruling to the contrary or not.

I suggest, if it is not contrary to the views of the chairman, that we recommit the entire measure and let these provisions be considered together.

Mr. TELLER. I think that is the proper thing to do. Of course, if the court held that they are entitled to locate in this way, we have got to stand by it.

Mr. CARTER. The purpose here is to compel them to show up their claim.

Mr. TELLER. I hope the committee will consider the other proposition, whether we should not restrict this other class to the surveyed land.

The PRESIDING OFFICER. The Senator from Montana moves that the bill and the pending amendment be recommitted to the Committee on Public Lands.

The motion was agreed to.

MEMORIAL BUILDING IN WASHINGTON.

Mr. SCOTT. I desire to call up the bill (S. 2237) setting apart certain public grounds in the city of Washington for the use of the National Society of the Daughters of the American Revolution for the erection of a memorial building.

The PRESIDING OFFICER. The Senator from West Virginia asks unanimous consent to consider at this time a bill which will be read.

Mr. SCOTT. I desire to offer an amendment by direction of the Committee on Public Buildings and Grounds.

The PRESIDING OFFICER. The bill will be read at length.

The Secretary proceeded to read the bill.

Mr. CHANDLER. Is the bill subject to objection?

The PRESIDING OFFICER. It is subject to objection.

Mr. CHANDLER. I object.

The PRESIDING OFFICER. Objection is made.

PUBLIC BUILDING AT ELIZABETH, N. J.

Mr. ALLISON. I move that the Senate proceed to the consideration of executive business.

Mr. KEAN. I ask the Senator to allow me to call up a little local bill which will give rise to no discussion.

The PRESIDING OFFICER. The Senator from Iowa moves that the Senate proceed to the consideration of executive business.

Mr. KEAN. Will the Senator yield to me?

Mr. ALLISON. It seems to be a bill of a good many pages.

Mr. KEAN. No; the committee has reported a substitute, and it is not long.

Mr. ALLISON. I will yield to the Senator, but I can not yield to any other Senator.

Mr. KEAN. I ask the Senate to proceed to the consideration of the bill (S. 1423) for the purchase of a site and the erection of a public building thereon in the city of Elizabeth, N. J.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Public Buildings and Grounds with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire, by purchase, condemnation, or otherwise, a site, and cause to be erected thereon a suitable building, including fireproof vaults, heating and ventilating apparatus, and approaches, for the use and accommodation of the United States post-office and other governmental offices in the city of Elizabeth and State of New Jersey, the cost of said site and building, including said vaults, heating and ventilating apparatus, and approaches, not to exceed the sum of \$165,000.

Proposals for the sale of land suitable for said site shall be invited by public advertisement in one or more of the newspapers of said city of largest circulation for at least twenty days prior to the date specified in said advertisement for the opening of said proposals.

Proposals made in response to said advertisement shall be addressed and mailed to the Secretary of the Treasury, who shall then cause the said proposed sites, and such others as he may think proper to designate, to be examined in person by an agent of the Treasury Department, who shall make written report to said Secretary of the results of said examination and of his recommendation thereon, and the reasons therefor, which shall be accompanied by the original proposals and all maps, plats, and statements which shall have come into his possession relating to the said proposed sites.

If, upon consideration of said report and accompanying papers, the Secretary of the Treasury shall deem further investigation necessary, he may appoint a commission of not more than three persons, one of whom shall be an officer of the Treasury Department, which commission shall also examine the said proposed sites, and such others as the Secretary of the Treasury may designate, and grant such hearings in relation thereto as they shall deem necessary; and said commission shall within thirty days after such examination make to the Secretary of the Treasury written report of their conclusion in the premises, accompanied by all statements, maps, plats, or documents taken by or submitted to them, in like manner as hereinbefore provided in regard to the proceedings of said agent of the Treasury Department; and the Secretary of the Treasury shall thereupon finally determine the location of the building to be erected.

The compensation of said commissioners shall be fixed by the Secretary of the Treasury, but the same shall not exceed \$6 per day and actual traveling expenses: *Provided, however,* That the member of said commission appointed from the Treasury Department shall be paid only his actual traveling expenses.

The building shall be unexposed to danger from fire by an open space of at least 40 feet on each side, including streets and alleys.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

EXECUTIVE SESSION.

Mr. ALLISON. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 5 o'clock and 8 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, May 23, 1900, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate May 22, 1900.

CONSUL.

John C. Freeman, of Wisconsin, to be consul of the United States at Copenhagen, Denmark, vice John C. Ingersoll, resigned.

POSTMASTERS.

Nettie A. Hudspeth, to be postmaster at Nashville, in the county of Howard and State of Arkansas, in the place of Elizabeth J. Hudspeth, resigned.

Harry S. Van Gorder, to be postmaster at Morenci, in the county of Graham, Arizona Territory, the appointment of a postmaster for the said office having, by law, become vested in the President on and after April 1, 1900.

John F. Stunkel, to be postmaster at Leesburg, in the county of Lake and State of Florida, in the place of A. P. Jordan, whose commission expires May 27, 1900.

James William Huggins, to be postmaster at Fitzgerald, in the county of Irwin and State of Georgia, in the place of D. E. Peiper, resigned.

W. S. Rice, to be postmaster at Carmi, in the county of White and State of Illinois, in the place of J. D. Martin, whose commission expired January 23, 1900.

J. A. Constant, to be postmaster at Sabetha, in the county of Nemaha and State of Kansas, in the place of W. A. Wagoner, whose commission expired February 13, 1900.

Homer B. Bryson, to be postmaster at Carlisle, in the county of Nicholas and State of Kentucky, in the place of Phoebe Mann, whose commission expires May 26, 1900.

David Israel, to be postmaster at Donaldsonville, in the county of Ascension and State of Louisiana, in the place of G. H. Richard, whose commission expired December 12, 1897.

Freeman D. Dearth, to be postmaster at Dexter, in the county of Penobscot and State of Maine, in the place of E. H. Chase, whose commission expires May 27, 1900.

George D. Libby, to be postmaster at Gardiner, in the county of Kennebec and State of Maine, in the place of F. M. Noyes, whose commission expired May 19, 1900.

Charles E. Brady, to be postmaster at Sandwich, in the county of Barnstable and State of Massachusetts, in the place of Charles E. Brady, whose commission expired May 18, 1900. (Reappointment.)

Henry Allen Talbot, to be postmaster at Franklin, in the county of Norfolk and State of Massachusetts, in the place of M. F. Conroy, whose commission expired April 30, 1900.

R. Arundel, to be postmaster at Staples, in the county of Todd and State of Minnesota, in the place of W. J. Flynn, whose commission expired May 6, 1900.

James M. Diment, to be postmaster at Owatonna, in the county of Steele and State of Minnesota, in the place of M. J. Toher, whose commission expired May 6, 1900.

E. S. Pierce, to be postmaster at Oxford, in the county of Lafayette and State of Mississippi, in the place of John M. Frazier, deceased.

Nannie B. Richardson, to be postmaster at Woodville, in the county of Wilkinson and State of Mississippi, the appointment of a postmaster for the said office having, by law, become vested in the President on and after April 1, 1900.

John F. Diener, to be postmaster at Syracuse, in the county of Otoe and State of Nebraska, in the place of Mary F. Ballantine, whose commission expired March 25, 1900.

John J. Anderson, to be postmaster at Hackensack, in the county of Bergen and State of New Jersey, in the place of J. H. Fank, whose commission expired May 14, 1900.

George W. Pollitt, to be postmaster at Paterson, in the county of Passaic and State of New Jersey, in the place of H. J. Kohlhaas, resigned.

H. J. Rouse, to be postmaster at Cazenovia, in the county of Madison and State of New York, in the place of George W. Salisbury, whose commission expires May 29, 1900.

Charles E. Smith, to be postmaster at Whitesboro, in the county of Oneida and State of New York, in the place of Edward Kernan, whose commission expired January 7, 1900.

Clarence A. Sprague, to be postmaster at Liberty, in the county of Sullivan and State of New York, in the place of Elmer Winner, whose commission expired February 11, 1900.

William Watson, to be postmaster at Warsaw, in the county of Wyoming and State of New York, in the place of F. J. Kearney, whose commission expires May 29, 1900.

John M. Birch, to be postmaster at Yellow Springs, in the county of Greene and State of Ohio, in the place of O. C. Munch, whose commission expired March 13, 1900.

Henry Nixon, to be postmaster at Salineville, in the county of Columbiana and State of Ohio, in the place of William Burns, whose commission expired March 25, 1900.

Joseph B. Woodward, to be postmaster at Franklin, in the county of Warren and State of Ohio, in the place of Catherine Riley, whose commission expired March 13, 1900.

Edward B. Waters, to be postmaster at Burns, in the county of Harney and State of Oregon, the appointment of a postmaster for the said office having, by law, become vested in the President on and after April 1, 1900.

E. D. Carl, to be postmaster at Greencastle, in the county of Franklin and State of Pennsylvania, in the place of Albert Snyder, whose commission expired April 2, 1900.

George A. Johnson, to be postmaster at Berwyn, in the county of Chester and State of Pennsylvania, in the place of J. R. Worst, whose commission expired April 25, 1900.

U. V. Mace, to be postmaster at Peckville, in the county of Lackawanna and State of Pennsylvania, in the place of A. A. Swingle, deceased.

W. G. Roberts, to be postmaster at Eldred, in the county of McKean and State of Pennsylvania, in the place of H. L. White, whose commission expires May 29, 1900.

Walter Price, to be postmaster at Westerly, in the county of Washington and State of Rhode Island, in the place of W. P. Clancy, whose commission expired February 11, 1900.

James W. Johnson, to be postmaster at Marion, in the county of Marion and State of South Carolina, in the place of Leonard R. Owens, removed.

Belle Nance, to be postmaster at Lancaster, in the county of Lancaster and State of South Carolina, in the place of Joseph F. Gregory, whose commission expired January 15, 1900.

James Clove, to be postmaster at Provo City, in the county of Utah and State of Utah, in the place of John C. Graham, removed.

Thomas H. Sexton, to be postmaster at Juneau, in the county of Dodge and State of Wisconsin, in the place of Eli Hawks, deceased.

CONFIRMATIONS.

Executive nominations confirmed by the Senate May 22, 1900.

CONSULS.

Thornwell Haynes, of South Carolina, to be consul of the United States at Rouen, France.

Everett E. Bailey, of Illinois, to be consul of the United States at Ensenada, Mexico.

COLLECTOR OF CUSTOMS.

Joseph C. Bonner, of Ohio, to be collector of customs for the district of Miami, in the State of Ohio.

POSTMASTERS.

Fredrick L. Wellman, to be postmaster at Monona, in the county of Clayton and State of Iowa.

Victor Nelson, to be postmaster at Gowrie, in the county of Webster and State of Iowa.

HOUSE OF REPRESENTATIVES.

TUESDAY, May 22, 1900.

The House met at 12 o'clock noon, and was called to order by the Speaker.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of yesterday was read and approved.

MARIE C. HAUKNES.

Mr. BULL. Mr. Speaker, I submit a privileged report from the Committee on Accounts.

The SPEAKER. The gentleman from Rhode Island, chairman of the Committee on Accounts, calls up the following privileged report which the Clerk will read.

The Clerk read as follows:

Resolved, That the Clerk of the House be, and hereby is, authorized and directed to pay to Minnie C. Haukness, widow of H. O. Haukness, late chief clerk of the folding room, House of Representatives, a sum equal to six months of his salary, and expenses of his last illness and funeral not to exceed the sum of \$250.

The following amendments, recommended by the Committee on Accounts, were read:

In line 2 strike out the word "Minnie" and insert the word "Marie."
In line 3 strike out the word "chief" and insert the article "a."
In line 3, after the word "clerk," strike out "of" and insert "in."
In line 6 strike out "fifty" and insert "thirty-two;" and after the word "dollars" insert "and fifty cents."

Mr. RICHARDSON. Mr. Speaker, in reading the amendments it is impossible to understand the effect of them, and I wish the gentleman would make some explanation of the amendments.